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FIRST EDITION.

THE NEW CONSTITUTION.

Opinions as to the Constitutionality of the Acts of the Convention.

Decision of the Supreme Court of the State.

The Ordinance Appointing Special Election Commissioners in Philadelphia Decided Unconstitutional.

Decision on the Application for an Injunction to Hold the Election in Allegheny County.

Opinion of Judge Stowe.

The Right to Alter Constitutions Sustained.

We give below the unanimous opinion of the Supreme Court of the State, in the Philadelphia Election Commissioners' injunction case:

Francis Wells et al. vs. James Bain et al., Edwin H. Fitler et al. vs. Al Nist Prius. In Equity.

John H. Donnell vs. Edwin H. Fitler et al. At Nisi Prius. In Equity.

Agnew, C. J.—Since the Declaration of Independence, in 1776, it has been an axiom of the American people, that all just government is founded on the consent of the people. This is recognized in the second section of the declaration of rights of the Constitution of Pennsylvania, which affirms that the people "have at all times an inalienable and indefeasible right to alter, reform, or abolish their Government in such manner as they may think proper." A self-evident corollary is, that an existing lawful Government of the people cannot be altered or abolished unless by the consent of the same people. That consent must be legally gathered or obtained. The people here meant are the whole —those who constitute the entire State—male and female citizens, infants and adults. A mere majority of those persons who are qualified as electors are not the people, though when authorized to do so they may represent the whole people.

The words "in such manner as they may think proper," in the declaration of rights, embrace but three known and cherished interests by which the whole people—the State—may express their consent to an alteration of an existing lawful frame of government, viz.:

1. The mode provided in the existing Constitution.

2. A law, as the instrumental process of raising the body for revision, and conveying to it the powers of the people.

3. A revolution.

The first two are peaceful means through which the consent of the people to alteration is obtained, and by which the existing government consents to be displaced without revolution. The government gives its consent either by pursuing the mode provided in the Constitution, which cannot be not so given by the existing government the remedy of the people is in the third means—revolution.

When a law becomes the instrumental process of amendment, it is not because the Legislature possesses any inherent power to change the existing Constitution through a convention, but because it is the only means through which an *authorized* consent of the whole people, the entire State, can be lawfully obtained in a state of peace. Any irregular action, whereby a certain number of the people may assume to act for the whole, is evidently revolutionary. The people, that entire body called the State, can be bound as a Whole only by an act of authority proceeding *from themselves*. In a state of peaceful government, they have conferred this authority upon a part to speak for the whole, only by an election authorized by law. It is only after a an election is authorized by law, the electors, who represent the whole people, are bound to attend, and if they do not, can be bound by the expression of the will of those who do attend. The electors who can pronounce the voice of the people are alone those who possess the qualifications fixed by the people, in order to represent them, otherwise they speak only for themselves only and do not represent the people.

The people having reserved the right to alter or abolish their form of government, and, in the same declaration of their rights, reserved the means of procuring a law as the instrumental process of so doing.

The 25th section is as follows:

"The citizens have a right, in a peaceable manner, to assemble together for their common good, *and apply to those invested with the powers of government*, for redress of grievances *or other proper purposes*, by petition, address, or remonstrance."

If the Legislature, possessing these powers of government, be willing to pass a law to take the sense of the people, or to delegate to a convention all the powers the people desire to confer upon their delegates, the people's remedy is still in their own hands—they can elect new representatives that will. If their representatives are still unfaithful, or the government becomes tyrannical, the right of revolution is open to them, what extent the Constitution of the United States controls this it is unnecessary now to inquire.

It is not pretended that the late convention was a provisionary body, or in defiance of the existing Government. It proposed to submit its mode provided for amendment in the Constitution, that being a legislative proceeding only. It was therefore the offspring of the law. It had no other source of existence. The process was an application or petition to the Legislature to call a convention—the passage of a law to gather the sense of the people on the question whether a convention should be called, an election authorized by this law to take the whole people on this question, and finally the passage of the law to call the convention and define its powers and duties. A law is the only form in which the Legislature, the body intended to act for the government, can act and thereby lix its own consent be given and revolution avoided. The people having adopted a proceeding by law, as preparatory to exacting their rights, having acted under it and chosen delegates by virtue of its authority, submitted themselves to it, as their own selected, and approve means of carrying out peacefully their purpose of amendment. Having so far been governed by law, having their own choice to express their will, necessarily became the channel of their authority. Having furnished no other means of arriving at their will, it is the only channel through which it has been conveyed to us. The law thereby being the instrument of delegation, the warrant to the delegates from the people becomes the only chart of their powers. The will of the people has been expressed in no other form, and the powers of this delegates, therefore, come in no other wise.

It will not do to assert that the whole original power of the people was conferred by the election. This election itself was a part of the instrumental process of the law, the means provided by this very law, of selecting the delegates this law was the warrant of their election, and expressed the very terms, chosen and adopted by the people, under which *they* delegated their power to these agents. The delegates possess no inherent power, and when convened under the law at the time and place fixed in it, sit and act under it, as their letter of attorney from the people themselves, and can know and discover the will of the people, only so far as they can discern it, through that only warrant that they have ever received to act for the people. If they claim through any other source, they must be able to point to it.

Outside of the law to take the sense of the people whether a convention should be called, and the law to call the convention, no other source has been or can be shown. To make this more distinct, let us suppose a voluntary election, unauthorized by law and delegates elected. It is evident that such a convention, though the people would possess no power to displace the existing government and impose a new Constitution on the whole people. Those voting at the unauthorized election had no power to represent, or bind those who did not choose to vote. A majority of the adult males, having the qualifications of electors, can bind the whole people only when they have authority to do so.

To make this still more plain—suppose a Constitution, formed by a volunteer convention, assuming to represent the people, and an attempt to set it up and displace the existing lawful government. It is clear that neither the people as a whole, nor this Government, having given their assent in any binding form, the executive, judiciary, and all officers sworn to support the existing Constitution, would be bound, in maintenance of the lawfully existing institutions of the people, to resist the usurpation even by the whole power of the force of the State. If overpowered, the new government would be established, not by peaceful means but by actual revolution.

It follows, therefore, that in a state of peace, a law is the only means by which the will of the whole people can be collected in an authorized form, and the powers of the people can be delegated to the agents who compose the Convention. The form of the law in this question is immaterial in this question of derivative authority. It may be a law to confer general authority, or one to confer special authority. It may be an invitation in the first place, as was the act of 1789, under which the convention of 1790 was convened, and an authority to the people to meet in primary assemblies to select delegates, and confer on them unrestricted powers; or it may be a law to take the sense of the people on the question of calling a convention, and then a law to make the call, and confer the powers the people intend to confer upon their agents.

The power to pass the law carries with it of necessity, and is found declare in the terms of the law. The terms of delegation, which the people themselves declare, when acting under and by virtue of the law, which they have called to their aid, as the instrumental process of conferring their authority and reaching their purpose of amendment, become of necessity the terms of their own will. All outside of this channel is revolutionary; for it has neither the consent of the Government nor of the people who have called the Government to their aid, and acted through it. The process of amendment being through the instrumentality of legislation, these laws must be enacted in the forms of the Constitution and be interpreted by the rules which govern in the interpretation of laws.

The next inquiry is, What powers of the people were conferred upon the late convention?

A change in the fundamental relations of the people, and of that sacred compact which they have instituted to guard and protect their own rights and interests is one of vast, indeed, most solemn import; for to impose a new Constitution without authority, or to usurp powers not delegated, may lead to bloodshed and ruin. The power to act, then, should be clearly conferred. The sacred fire from the altar of the people's authority cannot be snatched by unhallowed hands.

The present inquiry is not how much power may be conferred by law, but what power was conferred on this convention? A *law* must be passed according to the forms of the Constitution. One of these is that no bill shall contain "more than one subject, which shall be clearly expressed in the title." The title of the act of June 2, 1871, is "An act to authorize a popular vote upon the question *of calling* a convention to amend the Constitution of Pennsylvania." The act is, "That the question of *calling* a convention to amend the Constitution of this Commonwealth be submitted to a vote of the people at the general election to be held," etc. Here is one subject of both title and text is *the question of calling* a convention. The *question was authorized* to be submitted to a popular vote. In that election each elector expressed his individual opinion on *that* question; and that alone, by voting for a convention" or "against a convention." This question was answered in the affirmative by a majority of votes, and the people answering the Legislature said: "You may call a convention." This was all the vote expressed. Each vote expressing the opinion of the elector on that question, the majority expressed no more, for the majority was composed of the sum total of the votes on that side. Thus an analysis of the act, both in its title and its text, demonstrates that the vote was not a delegation of power, except to the Legislature. There is no principle of sound interpretation which can extend the votes of the elector, or the sum total of those votes, beyond the question each was called to answer. It is evident that the vote, therefore, was that the Legislature might call a Convention. It was not in itself a call, nor did it declare when, how, or on what terms the call should be made. That, the very answer to the question proposed to the electors necessarily left to those who asked their judgment on the propriety of making the call.

It was not even a mandate, further than the moral force contained in an expressed desire of the people. It is not evident that the matter dropped there and the Legislature had made no call, no convention and no terms would ever be existed. Not a line, nor a word, nor a syllable to this act expresses an intent of the people to make the call themselves, or on what terms it shall be made, or what powers should be conferred. Did the people, by this act, which stand as barriers to the exercise of the original powers of the people, unless in an authorized form. They glide insensibly into the domain of abstract rights and clothe mere agents with primordial powers.

But delegated authority is *derived*, and those who claim it must know where and how they derived it. Three and a half or four millions of people cannot assemble themselves together in their primary capacity—they can act only through constituted agencies. No one is entitled to represent them unless he can show their warrant—how and where he was constituted their agent. The great error of this argument is, that those who claim to be the people, or the delegates of the people, is, in the use of the word *people*. Who are the people? Not so many as choose to assemble in a county or district and declare of their own mere will, and to say—We, the people. Who gave them power to represent all others who stay away? Not even the press, that wide-spread and most powerful of all subordinate agencies, can speak for them by authority. The voice of the people can be heard only through an authorized form, for as we have seen, without this authority, a part can not speak for the whole; and this brings us back to a law as the only authority by which the will of the whole people, the body politic, called the State, can be collected under an existing lawful government. To wander outside of this channel is to run in search of original powers, which, though possessed by the people, they have conferred in no other form. If the power be *delegated*, it must be seen in the derivation; otherwise it does not exist. If, then, the delegates elected by the people themselves, under the act of 1872, have greater powers than are contained in it, *when, where and how* did they obtain them? It is not in the act of 1871, for that, as we have shown, decided but one question and conferred but one power, to wit: That a convention might be called, and that the Legislature might call it. There is no other source to which this Convention can appeal, and, not being there, it is found nowhere.

This brings us to an examination of the powers conferred by the act of 1872 as the *dernier* resort. The power claimed for the convention is by ordinance to raise a commission to direct the election upon the amended Constitution in the city of Philadelphia, and to confer power on this commission to make a registry of voters, and furnish the lists so made to the election officers of each precinct; to appoint a judge and two directors for each division, by whom the election therein shall be *conducted*. The ordinance further claims the power to regulate the qualifications of the officers appointed to hold the elections, and to control the general return of the election. It is clear, therefore, that the ordinance assumes a present power to direct how the election officers now in office under the election laws for the city; to substitute officers appointed under the authorities of the convention, and to modify those election laws so far as relates to the qualification of the officers, and the manner in which the general return shall be made; and in other respects not necessary to be recited. The authority to do this is claimed under the 5th section of the act of 1872 giving the convention power to submit the amendments, at such time or times and in such manner as the convention shall prescribe, subject, however, to the limitation as to their separate submission of amendments contained in this act. It is argued that the meaning of submission confers a power to conduct the election upon the matter submitted.

To state the proposition is to refute it, for the manner of submitting the amendment is a totally different thing from conducting the election upon the submitted amendments. But it is urged that the 4th, 5th and 6th sections of the act are contradictory unless the term manner shall be applied to the conducting of the election as well as to the manner of submitting the amendments.

The very reverse is true—each of the three sections has a different subject, and it is clearly provided for in its respective place. These three different subjects are:—1st, the power to propose amendments; 2d, the mode or manner in which these proposals shall be submitted, and 3d, the regulation of the election itself upon the proposition submitted.

To be more specific, the 4th section confers the power to *propose* to the citizens for approval or rejection of a new Constitution, or specific amendments to the present one, or specific amendments to be voted on separately. Then comes the 5th section, which deals not with the power to propose, but with the manner of submitting the things proposed, that is in whole or in part.

This is proved by the condition immediately annexed to the manner, to wit: *subject*, however, to the limitation as to *separate submission of* amendments contained in this act, which was, "Provided that one or all the members of the convention shall have the right to require the *separate submission to a popular vote* of any change and amendments proposed by the convention." The word *manner* is one of large signification; but one thing is clear, that whatever exceed the subject it qualifies or belongs to. The subject cannot be extended beyond its principal. What, then, does the word *manner* qualify or pertain to in this section. Clearly it is the submission —shall *submit the amendment*—in such manner as the Convention shall prescribe, subject to"—subject to what? The limitation as to the *separate submission* of amendments. Can language be clearer to express the mode of submitting or placing the amendments before the people for their adoption of rejection?

Now we come to the sixth section, which begins a different subject: "The *election* to decide for or against the adoption of the new Constitution, or specific amendments, shall be conducted as the *general elections* of this Commonwealth are *now by law conducted*." Thus the Legislature said to the Convention in these three sections, You shall have power to propose your work in three forms; you shall have power to determine the time and the manner in which these propositions shall be submitted; but the elections by the citizens shall be conducted as the law itself directs as to general elections.

The sixth section, as to how the election on the propositions submitted shall be conducted, is mandatory, and is so for the best of reasons. It is the only legally authorized means of taking the sense of the people upon an adopting which can bind the whole people. In this way only can a majority of voters, who are not a majority of the people, bind them in the form of Law or State. The Legislature intended that the election should be conducted by known officers, legally elected, and should be governed by a known system of law with which the people are familiar, and thereby that they should both know and respect the authority under which the election should be held. No implication can be drawn from the word "manner" to contradict the plain and positive mandate that the election shall be conducted according to the laws governing elections.

It would violate the plainest rules for the interpretation of statutes, to make the merest inference stand higher than the express words of the law. It is, therefore, clear to our minds that the ordinance relating to the election in the city of Philadelphia is flatly opposed to the act of 1872, and is, therefore, illegal and void. The provisions of the ordinance in 524 section of the schedule only betrays the doubt the convention itself had, of the validity of the ordinance, in this respect.

The next question is one of great importance, but stands on a very different footing from that upon the ordinance—I mean the alleged refusal of the convention to submit the judiciary articles separately to a vote of the people.

The Convention was clothed with express power to act upon the question of submitting the amendments in whole or in part. It is a deliberate body, having all the necessary authority to make rules for its own procedure, and to decide upon all questions falling within the scope of its authority. The power over the manner of submitting amendments is expressly conferred in the fifth section. It is true, the law gives to one-third of all the members a right to require a separate submission of any amendment.

But while this right is awarded to a minority of the body, it is one upon which the Convention itself must act, and it must act according to its own rules and procedure. The question of a separate submission being once committed to the whole body, of which the requiring third is itself a part, it must be presumed that the decision of the body as a whole was rightly made, and either that the request was not made by the one-third of all the members, or if made by one-third, it was not in a regular or ordinary way. It would be a violent presumption to propose that the body would wilfully disregard their own oath as well as a full understanding of the law. If they did this wrong, no appeal is given to the judiciary, and the error can be corrected only by the people themselves by rejecting the work of the Convention. If the people, notwithstanding, chose to ratify their work, it is them lies the consequence. Mere errors of procedure will then be of no avail. The Convention having in that matter acted within the scope of its undoubted power, we must take its decisions for final, and leave questions of the exercise of which it belongs. Not to omit to notice the arguments drawn from precedents, we think none referred to throw much light on the great question in these cases, which is power of the convention to pass the ordinance setting aside the election laws governing the city of Philadelphia and substituting provisions of its own. Even the proceedings in 1789 in our own State, furnish a precedent of but little value, for the Legislature not only invited the action of the people in primary assemblies, but in advance committed to their hands all the authority legislation can confer upon those assemblies. The convention was summoned without restriction and acted without trammel, while the people reserved no power of ratification, and subsequently disposed of all questions of power, by giving under and acting upon the Constitution, thereby ratifying the work of the convention in the most efficacious manner. The question before us is, can the convention, before they either proclaim a Constitution, themselves if they have the power, or before any ratification, they have not, pass an ordinance to repeal an existing system of law on a particular subject. This is a question of power, not of wisdom. However wise the substitution of their own election machinery for that provided by law for this city may be, the question is not for us. We can decide only the question of power. At last, therefore, we have come to the decision on principle and in the light of reason, having a due regard to the right, interests, welfare and peace of a people living under a republican Government, to amend their work, and seeking to amend it in a peaceful way, and to such extent as they may deem salutary and wise.

The question of jurisdiction has been reserved for the conclusion. The first remark to be made is, that all the departments of government are yet in full life and vigor, not being displaced by any authorized act of the people. As a Court we are called to exercise our jurisdiction heretofore. If the acts complained of in these bills are invasions of rights without authority, we must exercise our lawful jurisdiction to restrain them. One of our equity powers is the prevention or restraint of the unauthorized performance of acts contrary to law and prejudicial to the interests of the community or the rights of individuals. Page vs. Allen, 5 U. T. Smith and the authorities cited by counsel, are precedents sufficient to justify the exercise of this power. Here the Court is asked to restrain a body of men attempting to proceed contrary to law, to set aside the lawful election system of the city, and substitute an unlawful system in its place. Their acts are not only contrary to law, but are prejudicial to the interests of the community, by endangering the rights of all the electors through means of an illegal election, held by unauthorized officers. In Prather vs. Barry, 10 P. U. Smith, 54, the aid of the Court was asked, not to prevent acts contrary to law, but to strike down the only lawful system of election in the city, and thereby to disfranchise all its citizens, for all other election laws had been actually repealed. We said then it was more than doubtful how far private citizens can call for an injunction beyond their own invaded rights, or ask to restrain a great system of law in its public aspect. In this case we are called not to strike down, but to protect a lawful system, and to prevent intrusion by unlawful authority. If this ordinance is invalid, as we have seen it is, as to the city elections, the taxes of the citizens will be diverted to unlawful uses, the electors will be endangered in the exercise of their lawful franchise, and an officer necessary for the lawful execution of the election law be ousted by unlawful usurpation of his functions.

The convention is not a co-ordinate branch of the Government. It exercises no governmental power, but is a body raised by law, in aid of the popular desire, to discuss and propose amendments, which have no governing force so long as they remain propositions. While it acts within the scope of its delegated powers it is not amenable for its acts; but when it assumes to legislate, to repeal and displace existing institutions before they are disposed by the adoption of its propositions, it acts without authority, and the citizens injured thereby are entitled, under the Declaration of Rights, to an open court, and to redress at our hands.

In conclusion, we regret that the nature of the case requires prompt, instant action, and that the circumstances under which we act demand a written expressions of our views. We gladly would have had more time for discussion among ourselves and for the preparation of the opinion. As it was, we have given to the subject all our most anxious thoughts and labor, and have arrived at the best conclusions honest convictions can reach.

FORMAL DECREE OF THE COURT.

Wells vs. Bain et. al., Fitler et. al. vs. ——, now, December 5, 1873, this cause having come on to be heard before the Hon. Isaac G. Gordon, sitting as Nisi Prius, with the aid of the Chief Justice and all the other Judges of the Supreme Court, called in to sit with the advisers, and having been duly considered by all the said Judges, it is now ordered and decreed that a special injunction be issued out of the said Court to the said defendants, Edwin H. Fitler, Edward Browning, John P. Verree, Henry S. Hagert and John O. James, Commissioners Appointed in an ordinance made by the Convention to propose amendments to the Constitution of this Commonwealth, and done on the 3d day of November last, enjoining and strictly prohibiting the said Commissioners from directing or in any manner controlling an election to be held under the said ordinance in the said city of Philadelphia on the 16th day of this December, and especially enjoining and prohibiting them from appointing judges and inspectors to hold the said election in the several districts in the said city, and from making a registration of voters and furnishing the lists thereof to the election officers; and a special injunction is issued to the said defendants James Bain, Alexander McCuen and Thomas Locke, Commissioners of the said city of Philadelphia, enjoining and prohibiting them from appropriating, using, or expending any money or property of the said city in and about preparing for and conducting the election aforesaid in so far as the said defendants, E. H. Fitler, Edward Browning, John P. Verree, Henry S. Hagert, and John O. James, propose to officiate at and control the said election and to appoint the officers thereof, or otherwise to manage the same. These injunctions to continue until final hearing, or further order of the Court, bail in $5,000 to be given by the complainants before issuing the injunctions.

Donnelly vs. Fitler et al., decree the same as above, so far as relates to Fitler et al. Bail in $2,000.

The following is the opinion of Judge Stowe, delivered in the Court of Common Pleas, in this city, on Saturday, refusing the application for a preliminary injunction to restrain the election officers from holding an election on the 16th inst., and the adoption or rejection of the new Constitution:

Woods & Owens vs. M. S. Quay, et al. In the Court of Common Pleas, in equity. No. —, December term, 1873. Demurrer to plaintiff's bill. Opinion by Stowe, J.

Waiving for the present the minor questions involved in the demurrer, such as reference to the right of the plaintiffs to have the relief they ask in case the allegation of the bill regarding the unconstitutionality of the Acts of Assembly, through which the Constitutional Convention of 1872 was convened, are proved, we come at once to the great question of the legal forces and effect of the several Acts of Assembly specified in the bill. It is undoubtedly correct as claimed by counsel for respondents that the demurrer admits for the truth of the case all the facts alleged and not the conclusion of the pleader arising from those facts; and therefore we are bound to determine for ourselves, as a constituent part of the cause, whether these conclusions are warranted by the facts, and not by assuming that these acts of Assembly are unconstitutional simply because it is so alleged in the bill.

I have no difficulty in concluding that if the acts of Assembly referred to are unconstitutional and void, the convention was altogether a lawless body and its acts revolutionary; and that in such case it would be the duty of courts to exercise all their authority to prevent its mandates being carried into effect to the injury of the citizen; and that the Legislature would be bound to enact such laws as might be necessary to punish any attempt to force upon the people its revolutionary work, and the Executive officers of the State to use all their powers, civil and military, to suppress it.

If, however, in the face of all this, such force, moral or physical, was brought to bear as to overawe, or compel the submission, of the legal authorities of the State, then indeed the arm of the law would be paralyzed, and the proposed Constitution would become effective, not by the law, but by higher right of revolution which is above all law, but is nowhere recognized by it. Courts can know nothing by anticipation. They are bound to declare the law as it is previous to the successful accomplishment of revolution as though such a fact were possible; but when accomplished and duly recognized by the political powers of the Government, the Courts have always yielded to and accept the fact without question and act accordingly.

While, then, Courts must recognize the powers that be though the product of revolution, they are bound to use all their legitimate powers to maintain the existing law until it is duly revolutionary as though they were simply rebellious and could never become legitimate.

Coming then to the question of the constitutionality of the act to authorize a popular vote upon the question of calling a convention to amend the Constitution approved June 2, 1871, and also the act passed subsequent to the election held in pursuance of the same entitled "An Act to provide for calling a Convention to amend the Constitution," approved April 11th, 1872, raised by the 2d, 3d, 4th, 5th, 6th and 7th sections of complainants' bill. It is claimed that they are both unconstitutional and invalid, because:

First. There is no power given by the present Constitution to the Legislature authorizing such a proceeding.

Second. There is a different method provided by the Constitution in which it may be amended, and, therefore, upon well recognized principles of law, the legal conclusion arises that no other exists.

It cannot be claimed that the authority for the legislation and proceedings taken in reference to calling the convention are expressly set out in the Constitution, but it is argued that the power arises under the second section of the same article, which declares that "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper," all of which is, *inter alia*, excepted out of the general powers of government, and is to "forever remain inviolate."

It is difficult to see how such a withholding of power from the Government can, strictly speaking, create a right, in the Legislature from which it is thus withheld, to exercise that power, and leave entirely dependent upon the act which it belongs. Not to omit to notice the arguments drawn from precedents, we think none referred to throw much light on the great question in these cases, which is power of the convention to pass the ordinance setting aside the election laws governing the city of Philadelphia and substituting provisions of its own. Even the proceedings in 1789 in our own State, furnish a precedent of but little value, for the Legislature not only invited the action of the people in primary assemblies, but in advance committed to their hands all the authority legislation can confer upon those assemblies. The convention was summoned without restriction and acted without trammel, while the people reserved no power of ratification, and subsequently disposed of all questions of power, by giving under and acting upon the Constitution, thereby ratifying the work of the convention in the most efficacious manner. The question before us is, can the convention, before they either proclaim a Constitution, themselves if they have the power, or before any ratification, they have not, pass an ordinance to repeal an existing system of law on a particular subject. This is a question of power, not of wisdom. However wise the substitution of their own election machinery for that provided by law for this city may be, the question is not for us. We can decide only the question of power. At last, therefore, we have come to the decision on principle and in the light of reason, having a due regard to the right, interests, welfare and peace of a people living under a republican Government, to amend their work, and seeking to amend it in a peaceful way, and to such extent as they may deem salutary and wise.

The question of jurisdiction has been reserved for the conclusion. The first remark to be made is, that all the departments of government are yet in full life and vigor, not being displaced by any authorized act of the people. As a Court we are called to exercise our jurisdiction heretofore. If the acts complained of in these bills are invasions of rights without authority, we must exercise our lawful jurisdiction to restrain them. One of our equity powers is the prevention or restraint of the unauthorized performance of acts contrary to law and prejudicial to the interests of the community or the rights of individuals. Page vs. Allen, 5 U. T. Smith and the authorities cited by counsel, are precedents sufficient to justify the exercise of this power. Here the Court is asked to restrain a body of men attempting to proceed contrary to law, to set aside the lawful election system of the city, and substitute an unlawful system in its place. Their acts are not only contrary to law, but are prejudicial to the interests of the community, by endangering the rights of all the electors through means of an illegal election, held by unauthorized officers. In Prather vs. Barry, 10 P. U. Smith, 54, the aid of the Court was asked, not to prevent acts contrary to law, but to strike down the only lawful system of election in the city, and thereby to disfranchise all its citizens, for all other election laws had been actually repealed. We said then it was more than doubtful how far private citizens can call for an injunction beyond their own invaded rights, or ask to restrain a great system of law in its public aspect. In this case we are called not to strike down, but to protect a lawful system, and to prevent intrusion by unlawful authority. If this ordinance is invalid, as we have seen it is, as to the city elections, the taxes of the citizens will be diverted to unlawful uses, the electors will be endangered in the exercise of their lawful franchise, and an officer necessary for the lawful execution of the election law be ousted by unlawful usurpation of his functions.

The convention is not a co-ordinate branch of the Government. It exercises no governmental power, but is a body raised by law, in aid of the popular desire, to discuss and propose amendments, which have no governing force so long as they remain propositions. While it acts within the scope of its delegated powers it is not amenable for its acts; but when it assumes to legislate, to repeal and displace existing institutions before they are disposed by the adoption of its propositions, it acts without authority, and the citizens injured thereby are entitled, under the Declaration of Rights, to an open court, and to redress at our hands.

In conclusion, we regret that the nature of the case requires prompt, instant action, and that the circumstances under which we act demand a written expressions of our views. We gladly would have had more time for discussion among ourselves and for the preparation of the opinion. As it was, we have given to the subject all our most anxious thoughts and labor, and have arrived at the best conclusions honest convictions can reach.

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Waiving for the present the minor questions involved in the demurrer, such as reference to the right of the plaintiffs to have the relief they ask in case the allegation of the bill regarding the unconstitutionality of the Acts of Assembly, through which the Constitutional Convention of 1872 was convened, are proved, we come at once to the great question of the legal forces and effect of the several Acts of Assembly specified in the bill. It is undoubtedly correct as claimed by counsel for respondents that the demurrer admits for the truth of the case all the facts alleged and not the conclusion of the pleader arising from those facts; and therefore we are bound to determine for ourselves, as a constituent part of the cause, whether these conclusions are warranted by the facts, and not by assuming that these acts of Assembly are unconstitutional simply because it is so alleged in the bill.

I have no difficulty in concluding that if the acts of Assembly referred to are unconstitutional and void, the convention was altogether a lawless body and its acts revolutionary; and that in such case it would be the duty of courts to exercise all their authority to prevent its mandates being carried into effect to the injury of the citizen; and that the Legislature would be bound to enact such laws as might be necessary to punish any attempt to force upon the people its revolutionary work, and the Executive officers of the State to use all their powers, civil and military, to suppress it.

If, however, in the face of all this, such force, moral or physical, was brought to bear as to overawe, or compel the submission, of the legal authorities of the State, then indeed the arm of the law would be paralyzed, and the proposed Constitution would become effective, not by the law, but by higher right of revolution which is above all law, but is nowhere recognized by it. Courts can know nothing by anticipation. They are bound to declare the law as it is previous to the successful accomplishment of revolution as though such a fact were possible; but when accomplished and duly recognized by the political powers of the Government, the Courts have always yielded to and accept the fact without question and act accordingly.

While, then, Courts must recognize the powers that be though the product of revolution, they are bound to use all their legitimate powers to maintain the existing law until it is duly revolutionary as though they were simply rebellious and could never become legitimate.

Coming then to the question of the constitutionality of the act to authorize a popular vote upon the question of calling a convention to amend the Constitution approved June 2, 1871, and also the act passed subsequent to the election held in pursuance of the same entitled "An Act to provide for calling a Convention to amend the Constitution," approved April 11th, 1872, raised by the 2d, 3d, 4th, 5th, 6th and 7th sections of complainants' bill. It is claimed that they are both unconstitutional and invalid, because:

First. There is no power given by the present Constitution to the Legislature authorizing such a proceeding.

Second. There is a different method provided by the Constitution in which it may be amended, and, therefore, upon well recognized principles of law, the legal conclusion arises that no other exists.

It cannot be claimed that the authority for the legislation and proceedings taken in reference to calling the convention are expressly set out in the Constitution, but it is argued that the power arises under the second section of the same article, which declares that "All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may think proper," all of which is, *inter alia*, excepted out of the general powers of government, and is to "forever remain inviolate."

It is difficult to see how such a withholding of power from the Government can, strictly speaking, create a right, in the Legislature from which it is thus withheld, to exercise that power, and leave entirely dependent upon the act which it belongs. Not to omit to notice the arguments drawn from precedents, we think none referred to throw much light on the great question in these cases, which is power of the convention to pass the ordinance setting aside the election laws governing the city of Philadelphia and substituting provisions of its own. Even the proceedings in 1789 in our own State, furnish a precedent of but little value, for the Legislature not only invited the action of the people in primary assemblies, but in advance committed to their hands all the authority legislation can confer upon those assemblies. The convention was summoned without restriction and acted without trammel, while the people reserved no power of ratification, and subsequently disposed of all questions of power, by giving under and acting upon the Constitution, thereby ratifying the work of the convention in the most efficacious manner. The question before us is, can the convention, before they either proclaim a Constitution, themselves if they have the power, or before any ratification, they have not, pass an ordinance to repeal an existing system of law on a particular subject. This is a question of power, not of wisdom. However wise the substitution of their own election machinery for that provided by law for this city may be, the question is not for us. We can decide only the question of power. At last, therefore, we have come to the decision on principle and in the light of reason, having a due regard to the right, interests, welfare and peace of a people living under a republican Government, to amend their work, and seeking to amend it in a peaceful way, and to such extent as they may deem salutary and wise.

The question of jurisdiction has been reserved for the conclusion. The first remark to be made is, that all the departments of government are yet in full life and vigor, not being displaced by any authorized act of the people. As a Court we are called to exercise our jurisdiction heretofore. If the acts complained of in these bills are invasions of rights without authority, we must exercise our lawful jurisdiction to restrain them. One of our equity powers is the prevention or restraint of the unauthorized performance of acts contrary to law and prejudicial to the interests of the community or the rights of individuals. Page vs. Allen, 5 U. T. Smith and the authorities cited by counsel, are precedents sufficient to justify the exercise of this power. Here the Court is asked to restrain a body of men attempting to proceed contrary to law, to set aside the lawful election system of the city, and substitute an unlawful system in its place. Their acts are not only contrary to law, but are prejudicial to the interests of the community, by endangering the rights of all the electors through means of an illegal election, held by unauthorized officers. In Prather vs. Barry, 10 P. U. Smith, 54, the aid of the Court was asked, not to prevent acts contrary to law, but to strike down the only lawful system of election in the city, and thereby to disfranchise all its citizens, for all other election laws had been actually repealed. We said then it was more than doubtful how far private citizens can call for an injunction beyond their own invaded rights, or ask to restrain a great system of law in its public aspect. In this case we are called not to strike down, but to protect a lawful system, and to prevent intrusion by unlawful authority. If this ordinance is invalid, as we have seen it is, as to the city elections, the taxes of the citizens will be diverted to unlawful uses, the electors will be endangered in the exercise of their lawful franchise, and an officer necessary for the lawful execution of the election law be ousted by unlawful usurpation of his functions.

The convention is not a co-ordinate branch of the Government. It exercises no governmental power, but is a body raised by law, in aid of the popular desire, to discuss and propose amendments, which have no governing force so long as they remain propositions. While it acts within the scope of its delegated powers it is not amenable for its acts; but when it assumes to legislate, to repeal and displace existing institutions before they are disposed by the adoption of its propositions, it acts without authority, and the citizens injured thereby are entitled, under the Declaration of Rights, to an open court, and to redress at our hands.

In conclusion, we regret that the nature of the case requires prompt, instant action, and that the circumstances under which we act demand a written expressions of our views. We gladly would have had more time for discussion among ourselves and for the preparation of the opinion. As it was, we have given to the subject all our most anxious thoughts and labor, and have arrived at the best conclusions honest convictions can reach.

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MONDAY, DECEMBER 8, 1873.

BONDS at Frankfort 97⅞.

PETROLEUM at Antwerp 32f.

GOLD closed in New York Saturday at 109¼.

PENNSYLVANIA is represented in the chairmanship of House committees as follows: MYERS, of Philadelphia, Private Land Claims; Scofield, Naval Affairs; Shoemaker, Revolutionary Pensions, and McJunkin, Expenditures in the Navy Department.

THE disclosures and arrests made in connection with the Water Bonds have started afresh, rumors and speculations. We hope those who are under arrest will not hesitate to give all the information they have, as to the placing of the bonds, where they are, and all else, as to withhold will only result in damaging their own case, and not prevent the ultimate development of the truth.

THE *Commercial* publishes a list of reasons why it opposes the new Constitution. Without exception, they are technical and trifling. The reason why that document is so generally supported by the people is that it will entirely relieve them from the acknowledged abuses and evils which have so long retarded the growth of the State, and been a disgrace to the Commonwealth. They favor it, too, because it will do all that the fundamental law can, to bring about an era of honesty, and of equality, before the law.

THE CASES of actual distress which have come to light during the past month, in this city and Allegheny, indicate the importance of a thorough organization, in all parts of this city, to meet the wants of the deserving poor. In Philadelphia, New York and other cities, such organizations have been effected, and are rendering valuable service. We do not presume that suffering will be as general in this as in other cities, owing to the remunerative character of the labor generally performed. Yet here, as elsewhere, are improvident persons, who do not foresee the evil day. It is not right, however, that their families should suffer; and where actual want exists, relief should be provided.

IT NOW seems that Friday last was the day set apart for the surrender of the "Virginius" to our authorities, and this was to have been quietly done by taking her outside the harbor of Havana, and quietly turning her over to our war vessels. Whether we were not prepared to receive her, or the Cuban authorities were not able to deliver, is not apparent. We have no fleet at Havana, but this is to avoid unduly wounding Spanish pride. Whether the "Kansas" was to remain off the port of Havana, and receive the "Virginius" we do not know, but it is probable. The affair wears a rather complicated look, but in view of the effort, on the part of the Spanish home Government, to respond to our demand, the Government is inclined to be lenient. Yet there may develop trouble, because of the haughty and implacable character of the Volunteers. After the almost complete solution of the difficulty, it will be unfortunate should it again develop into agitation and war.

THE City of Geneva has been looking up the bequest made to it by a crazy old Duke, and finds vouchers for investment in Russian, Turkish, Egyptian and Chilian loans, and those of the Argentine Republic, 18,616 francs; bank notes and gold, 83,276 francs; horses and carriages, 18,435 francs; personal effects, 2,453 francs; and diamonds and jewelry, 1,854,284 francs. In addition to these, the American and German property remains to be estimated. Concerning the former, a statement is made which has a strangely familiar sound. It seems that the Duke, some time ago, invested $375,000 in United States railway bonds, but the original company was unable to complete the line, and it was taken up by a new company, who offer to pay 50 cents on the dollar. What balloon the Diamond Duke put his money into is not stated, but the investment has cost the city of Geneva $187,500. The newly acquired wealth, which amounts to $4,000,000, is to be applied to various useful purposes, among them the extension of schools, the demolition of houses in the ancient quarter of the city, the repaving of streets, improvement of the cemetery and public buildings, and in additions to the collections of paintings and sculptures in the various museums.

THE ISSUE JOINED.

The decisions of the Supreme Court at Philadelphia, and of the Court in this city, finally settle all the extraneous issues that can be made relative to the new Constitution. These are, that our fellow-citizens of Philadelphia particularly, and of the State generally, are to be at the mercy of Philadelphia repeaters. In saying this we do not mean to reflect on the Supreme Court. Doubtless the decision was made on the law and the facts, honestly. But the result is, as we have stated, nevertheless. The decision in this county, and incidentally that at Philadelphia, declares the constitutionality of the new Constitution proposed, and remands it to the vote of the people.

These facts bring a new element into the discussions of the subject. Whatever the merits or demerits of the new instrument, one fact cannot be gainsaid. The political element which has ruled the State in defiance, often, of honest men, seek to defeat the new instrument. It is not disguised that fraud is to be used for this purpose. The honest voters of the State are to be beaten down, by fraudulent voters, in Philadelphia, and elsewhere. This is the issue, outside the merits of the document itself. We do not urge it now. We simply say that every man who feels the impulse of honesty and independence *must*, to maintain his self-respect, do his duty now.

BUSINESS.

We notice many evidences of business revival in this city,—not merely in the improved condition of the banks, but in the greater activity displayed in all branches of trade. Our streets present, now, quite a busy appearance once more. Not only do our wholesale merchants seem to be doing a good trade, but we notice heavy castings being transported to different parts of the city, indicating that renewed activity in certain branches of the iron trade is beginning to develop. The panic is over, and the revival of business, by Spring, will be general and complete.

The same condition of things is reported at the East. The New York banks are accumulating large reserves. In Philadelphia, the *Ledger* says, "the financial situation is more quiet, and, so far as bank deposits and balances at all the large cities are concerned, a more cheerful influence is quite apparent. Speculation, since the 18th of September, is dead, and it may be some months before it revives to full life. But low prices, in consequence of the locked-up currency, are gradually quickening legitimate business. We are informed by persons in the retail and jobbing trade that sales, though not large, are more numerous, and give indications of a fairly active business hence to the end of the holidays. The manufacturing districts, especially at the eastward, show more cheering signs since they have had time to look over their affairs and measure the extent of their liabilities and prospects. The great mill proprietors in Massachusetts and elsewhere report themselves to be in a sound condition, and expect to be soon at work again, possibly at reduced wages or time, but they do not think of remaining idle. The Pennsylvania iron works in various directions are giving notice of a resumption of business on a substantial demand in the market for iron, so there is reasonable assurance that in that, our staple manufacture, there is reason to believe the worst is over. Production is likely to go forward, and where there is industry, the fruits of which go into actual consumption, there cannot fail to be prosperity."

A RIGHTEOUS DECISION.

On Saturday Judge Stowe read the decision of the Court of this county on the application for an injunction to restrain the election officers of the Commonwealth, and of this county particularly, from holding an election for the adoption or rejection of the new Constitution. The application was based on entirely different grounds, and aimed at a totally different result from that in Philadelphia. The point before the Supreme Court turned on the legality of the appointment by the Convention of Special Commissioners to hold the election in that city. The entire proceedings were based on the recognition of the constitutionality of the law by which the Convention was called. Because the Supreme Court believed the Convention violated that law in a singular particular, they granted an injunction. The proceedings here were on the theory that the law calling the Convention was unconstitutional, in that it did not follow the order prescribed in the Constitution for changing that instrument. Consequently an injunction was asked for which, had it been granted, would have prevented the people of this county from voting on the new Constitution at all.

The vital point in the decision is the recognition of the right of the people, under the existing Constitution, to alter, amend, or abolish the existing law; hence, Judge Stowe argues that while ordinarily the prescribing of a specific method of amendment usually is understood to preclude all other methods, in a case where original power is possessed, this rule need not, and does not apply. A number of very nice points are made in the decision, and we commend it to the careful perusal of the friends of the Constitution. The views presented are supported by a strong array of learned authorities. The reasoning of the Judge, even on minor points, is able; but the decision is remarkable for the easy manner in which it brushes aside the flimsy sophistries of the lawyers, and sets forth the cardinal truth, that the people have the *right* to change, or even abolish their Constitution, and their right stands superior to mere technical forms.

Judge Stowe deserves great praise for the ability, lucidity and independence displayed in this decision. It establishes the legality of the document submitted to the people; and this we judge will end the contest, except before the people and at the polls. The Philadelphia decision does not contravene this; on the contrary, it incidentally confirms it. The outcome of the legal controversy is, therefore, a victory for the people, except in the single particular that the elections in Philadelphia will be in the hands of the old, fraud-producing board. But the people, if they will, can so closely watch, and tally the votes cast, as to greatly limit the attempt to cheat. This they should organize to do.

THE DECISION—OUR DUTY.

The decision of the Supreme Court at Philadelphia simply remands the election in that city to the regular officers, and prevents the Commissioners appointed by the Constitutional Convention from supervising their operations. The regular officers would have held the election in any event, there being only enough Commissioners to generally supervise the work. But even this is forbidden by the decision rendered. The decision incidentally touches upon other points, not contained in the application for an injunction, and in these sustains the Convention,—particularly as regards the non-submittment of the Judiciary article separately.

The effect of the decision, therefore, is to give those in authority in Philadelphia unchecked control over the election. The object of the Convention was simply to secure an honest election—not to impair the right or privileges of any citizen. No doubt whatever is entertained as to the reason why the injunction was sought. It was to enable those who control the machinery of elections in that city, to manipulate an immense *seeming* majority against the new Constitution. With the large population of that city, and the knowledge that a supreme effort must be made, it is not to be expected that less than 40,000 majority will be counted against it. The thieves, repeaters, tools and frauds generally, will be well used. This, with the majorities that may be manufactured elsewhere at unexpected points, should lead the honest men of the State to expect to have a fraudulent majority of 100,000 to overcome.

There was never a time when the honest men of the State were brought more directly face to face with fraud and corruption of the most impudent kind. There are no partisan politics in this contest. It is now simply a contest between *honesty* and *rascality*, between *good faith* and *fraud*. If the people allow themselves to be overslaughed by New York dead rabbits, Philadelphia roughs, and Pittsburgh mud larks, they will not in half a century have another chance to disenthral themselves from corrupt political influences. And we will tell them why.

When the Constitutional Convention was first originated, it was intended by the State Ring to so use it as to strengthen their power. They were willing that special legislation and a few other things should be reformed, and intended to claim the credit of it when done. When the Governor vetoed special legislation last Winter (all except a city railroad bill for Philadelphia, in which the Ring were interested) they claimed the credit. But the Convention broke away from them, and the new Constitution *destroys their power*, and so instead of favoring, they are determined to defeat it. Does any one suppose, after this experience, they will again trust the people to make for themselves a new Constitution? Will the Ring again endanger its power? Most certainly not. This, then, is a life and death battle. In it, the Ring falls, and corruption is broken, or the people are enslaved, and corruption will stalk with a bold front through the State.

Not to extend remarks at this time, we have this to advise: Every man, who realizes the value of honesty and right in our State Government, must bestir himself, and be ready to vote for the new Constitution. More than this, arrangements should be made to guard the ballot box against fraud. There should be prompt and immediate organization to fight the great battle that comes off on the 16th of December.

AN English Tory newspaper correspondent, writing on the political situation in France, says of the soldier President MacMahon: He stands higher in the estimation of all classes of politicians, excepting perhaps the politicians of the Commune; he has no political enemies; he leaves his Ministers to carry on the affairs of State; whatever may be his private convictions, he does not favor monarchy or republicanism in his language or acts; he maintains order; he rules with firmness when necessary; he is the least vain man in France—thus Marshal MacMahon is respected at home and abroad.

M. KLEIN, a Russian chemist, has succeeded in electrotyping with iron. He used a bath consisting of a concentrated solution of sulphate of iron and ammonia, and four Meidinger cells. For an anode he used an iron plate having a surface about eight times that of the cathode, and connecting this also with a copper-plate, he found by this means he could get a perfect coating of iron. On leaving the bath the iron is as hard as tempered steel, and very brittle; heated to a cherry red it becomes malleable, and may be engraved as easily as soft steel.

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Make Your Purchases Early so as to Avoid the Rush.
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Fine Lace Goods, away below old prices.
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PRICES AS LOW AS EASTERN CLOSING SALES.
BUYERS SHOULD CALL AT
Arbuthnot, Shannon & Co.'s,
239 and 241 LIBERTY STREET.
Wholesale Exclusively.
Sole Agents for Fullerton's and Greenville Barred Flannels, Blankets and Yarn

DRY GOODS, TRIMMINGS.
Dec. 3.—WEDNESDAY.—Dec. 3.
WM. SEMPLE
AT 18¾ CENTS.
Heavy Black Alpacas,
Newly Opened.
AT 31 AND 37½ CENTS,
Heavy Black Poplins,
Extra Weight and Lustre.
At 25c, Black Alpacas, superior weight and color.
At 30c, Black Alpacas, superior weight and color.
At 35c, Black Alpacas, superior weight and color.
At 40, 50 and 62½c, Black Alpacas, superior weight and color.
At 25, 30 and 37½c, Colored Poplins.
AT 8c, 10c AND 12½c,
Fancy Dress Goods.
Satteens and Serges,
All the new shades—extra value.
BLACK SILKS,
Extra Value.
Velveteens at 70c. Black Waterproof at 75c.
Black, Blue and Gold Mixed Waterproofs.
Every department full and complete to which the attention of our customers is respectfully invited, at
WM. SEMPLE'S,
165, 167 and 169
FEDERAL ST. ALLEGHENY.

CARD.
The reduction in values that has taken place within the last few weeks in all kinds of Dry Goods has been enormous; prices of everything both in Foreign and Domestic Goods have declined so much that goods are selling today at much lower prices than ever before in the history of the dry goods trade.
We are pleased to announce to our customers and friends that we have fortunately been able to take advantage of the decline in the Eastern markets, and have purchased very largely at the reduced prices, and are now prepared to offer, and are now offering some of the most decided bargains that have ever been offered in this market. Our largely increased sales for the last few weeks convince us that the public appreciate our endeavors to furnish them GOODS AT LOW PRICES. That we are offering the bargains that we represent all who favor us with a call will be convinced of. Our stock is unusually full and complete. The Goods are all new and fresh, and the prices at least thirty per cent. lower than the goods have been sold within the last ten years. We are determined to move our immense stock as rapidly as possible, and will make prices that cannot fail to do it.

A. W. ERWIN & CO.,
26 Fifth Avenue, Pittsburgh,
AND
Nos. 172 and 174
FEDERAL ST., ALLEGHENY.

WM. M. FABER,
367 Liberty Street,
PITTSBURGH, PA.
STEAM ENGINES,
IRON AND WOOD WORKING
Machinery,
STEAM PUMPS,
Engineers' and Machinists' Tools,
STEAM FIRE ENGINES,
BELTING,
Woolen Machinery,
MACHINE CARDS.
Manufacturers' and Mill Supplies. A constant supply on hand and furnished on short notice.
Orders Solicited.

Hutchison & Co.
Iron Working Machinery
AND
MACHINISTS' SUPPLIES,
OF EVERY DESCRIPTION.
28 WOOD STREET, Pittsburgh, Pa.

Window Glass
SAMUEL DUFF.....TERRENCE CAMPBELL
WINDOW GLASS MANUFACTURERS. As we keep in our warehouse a first-class cutter, we are prepared to fill all orders from a single light to five thousand boxes on short notice. We select the best sheet glass to fill orders out in our warehouse. It will be to the advantage of all parties wanting Glass to give us a call before going elsewhere. Warehouse on the corner of Market street and First avenue.
fec2nd2-MTH-65 DUFF & CAMPBELL.

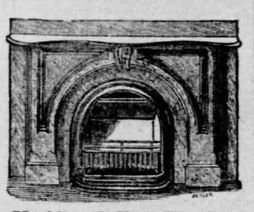
DRY GOODS.
POPULAR PRICES
AT
WM. SEMPLE
At 12½c, Barred Flannels.
At 18½c, Heavy Gray Twilled Flannel.
At 25c, Yard wide Country Flannel.
Heavy Country Flannels,
Rob Roy Flannels,
Opera Flannels, Blue Flannels.
At 6c, Good Prints.
At 8½c, the Best Calicos.
Table Linens—cheap.
Good Bargains in Cloths.
Cassimeres and Jeans,
Blankets, Coverlets, Shawls.
Cloaks, Sacques and
SEASONABLE GOODS.
Sheetings, Muslins, Crist, Towels,
Tickings, Checks, Table Damasks, Cloths,
Napkins, Shirt Fronts, &c., &c.
CARPETS, DRUGGETS, OIL CLOTHS,
And a full and complete stock of
Housekeeping Goods
AT POPULAR PRICES AT
WM. SEMPLE'S,
165, 167 and 169
FEDERAL ST. ALLEGHENY.

THE GREAT
CLOSING SALE
Is still going on at
Macrum & Carlisle's
27 Fifth Avenue.
Purchasers will save 25 to 50 per cent. Fresh and desirable goods selling at first cost. Many articles at less than half price.
Stocks Must be Reduced
To make a change of firm.
See the bargains in Parasols, Fans, Belts, Scarfs, Ribbons, Embroideries, Gloves, Shirts, Underwear, &c., &c.
MWF

H. J. LYNCH,
JUST RECEIVED
Serges, Camel's Hair Cloth and Poplins
In all the new autumn shades.
Cloth and Cashmere
Sacques and Manties,
Redingotes, Shawls and Blankets,
In great variety at
No. 96 Market Street.

CARPETS, OIL CLOTHS, &c.
THE OPPORTUNITY
Presents itself to consumers to reap a benefit out of the ruin brought on the manufacturers by the panic in prices. All Goods at
Much Lower Prices
THAN HERETOFORE.
Bargains in
CARPETS,
Oil Cloths, &c.
OLIVER M'CLINTOCK & CO.,
23 FIFTH AVENUE.

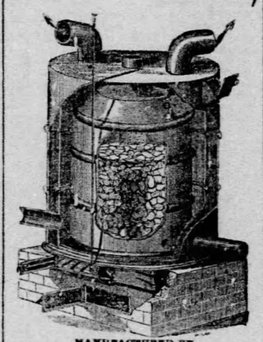
CARPETS
REDUCED!
Brussels, Very Low.
Tapestries, Very Low.
2 and 3 Plies, Very Low.
Ingrains, Very Low.
Oil Cloths, Very Low.
Window Shades Very Low.
Mattings, Very Low.
Bovard, Rose & Co.,
21 Fifth Avenue

New Establishment.

Marbleized Slate Mantles,
FURNACES, RANGES, GRATES
Having fitted up the above STORE for the manufacture and sale of FURNACES, RANGES, GRATES and MARBLEIZED MANTLES, I would respectfully call the attention of Architects, Builders, Churches, School Committees and the public in general, to our stock of goods, consisting of
MARBLEIZED SLATE MANTLES,
which are six times as strong as marble, will not stain or discolor by gas, smoke, oil or acids.
I am now manufacturing and offer for sale the most desirable patterns and best finished Mantles ever offered in this market.
Old's Patent Star Range,
WITH REVOLVING OVENS,
The best in the market.
Old's Utility Fire Grate,
The most powerful heating grate in use, burning the gas and smoke, and saving from forty to fifty per cent. of fuel.
The Ruby and Diamond Furnace
which has a large amount of radiating surface, and of simplicity of construction, ease of management, economy in fuel and durability, will commend itself to all who will examine it. It will heat your building with one-third less coal than the common furnaces now in use. The BEST FURNACE for Coke, Bituminous and Anthracite Coal.
We solicit a liberal share of public patronage. Satisfaction guaranteed in all cases.
JAMES OLD,
No. 191 Liberty street,
oct5,MWF PITTSBURGH, PA.

LANE BROTHERS
WHOLESALE HARDWARE
POCKET KNIVES,
Knives and Forks,
SPOONS, SCISSORS,
AXES, SHOVELS, LOCKS,
Hinges, Nails, Files, etc.
Carpenter's, Blacksmith's, and
AGRICULTURAL TOOLS,
PITTSBURGH, PA.,
Cor. Liberty & Sixth Streets.
JOS. SPENCER, JAS. M'KAY, ROBT. LIDDELL

Phœnix Steam Brewery,
SPENCER, McKAY & CO.,
MALSTERS AND BREWERS,
ALE, PORTER AND BROWN STOUT
PITTSBURGH, PA.
ROBT. WATSON, Manage.

DRY GOODS, TRIMMINGS
AT LOW PRICES
AT
WM. SEMPLE
Felt Skirts, Balmoral Skirts at $3.
Felt Suits, extra cheap.
Men's Gloves, Boys' Gloves,
Ladies' Gloves, Misses Gloves,
Hosiery, Leggins, Ribbons, Flowers,
Hats, Bonnets, Ruching, Handkerchiefs,
White Silk Neck-kerchiefs, Bonnet Velvets
Ruffings, Embroideries, Edgings,
Laces, Trimmings, Fringes,
Ladies', Misses' and Children's Hoods.
Perfumery, Toilet Sets, Fancy Goods,
Notions, Toys, Chamber Setts,
Coal Hods—fancy, Dust Pans,
Dust Brushes, Crumb Pans,
and Brushes, Hair Brushes,
Cloth Brushes, Blacking
Brushes, Soaps
Fancy Goods of
every description.
Ladies', Misses' and Children's Furs.
AT LOW PRICES
AT
WM. SEMPLE'S,
165, 167 and 169
FEDERAL ST., ALLEGHENY.

STOVES, RANGES, &c.
THE
FIERY FURNACE,

MANUFACTURED BY
Graff, Hugus & Co.,
ALSO,
NILES' IMPROVED
Star Range.
Improved Double-Oven
BOSTON RANGE,
VAN'S PATENT
PORTABLE RANGE
Parlor and Cook Stoves,
Fine and Common Enameled Grate Fronts.
Fine and Common Enameled Fenders, Nickel Plated Grate Fronts, Nickel Plated Fenders, Wash House Furniture, Wash House Stoves, Coal Hole Doors.
WHOLESALE AND RETAIL.
206 and 208 Liberty Street

BRIDGE WORK.
CARNEGIE, KLOMAN & CO.
The Union Iron Works,
PITTSBURGH,
MANUFACTURERS OF
Bridge Iron, Patent Solid Rolled Wrought Iron Beams,
Girders, Channel Iron,
Angles, Plates, Axles,
Post Iron, Splice Bars,
Merchant Bar, Forging, &c
General and Works, 29th Street,
PITTSBURGH.
Eastern Office—97 Broadway, New York.
Lithographs of Sections furnished on application.

KEYSTONE BRIDGE CO.
BUILDERS OF
Iron and Wooden Bridges,
Wrought Iron Turn-Tables, Roofs, &c.
OFFICES:
Cor. Fifty-first and Harrison streets, Pittsburgh
No. 426 Walnut street, Philadelphia.
No. 211 Washington avenue, St. Louis, Mo.

Luther S. Kauffman,
Stock and Note
BROKER
HAS REMOVED TO
NO. 96 FOURTH AVENUE,
Where he will continue the business of buying and selling
ON COMMISSION,
STOCKS, BONDS, NOTES,
AND
All Marketable Securities
PERSONS HOLDING
NORTHERN PACIFIC AND OTHER SECURITIES,
Can find Latest Quotations of Market Prices, by Calling on
Luther S. Kauffman,
Stock and Note Broker,
96 FOURTH AVENUE.

MANUFACTURERS AND OTHERS DESIRING TO REALIZE ON
COMMERCIAL PAPER,
AND
OTHER GOOD SECURITIES
Are requested to call on
Luther S. Kauffman
STOCK AND NOTE BROKER,
96 Fourth Avenue.

C. WHITMORE, THOS. H. LANE, CHAS. T. HEALD.
H. W. WOLFF, JNO. D. GILBERT.
Whitmore, Wolff, Lane & Co.,
IMPORTERS AND DEALERS IN
HARDWARE AND CUTLERY,
Sign of the Anvil.
No 50 WOOD STREET.
PITTSBURGH

LEATHER AND FINDINGS
JUST RECEIVED BY
GEO. H. ANDERSON & CO.;
128 SECOND AVENUE.
1,000 Sides Buenos Ayres Sole;
500 " Springfield Oak Sole;
100 doz. French Calf and Kip of the most approved Brand.
With a full assortment of Saddlers and Rhoema stock wholesale and retail.

DRY GOODS.
WM. SEMPLE
FALL STYLES.
MILLINERY GOODS
A complete stock at our usual bargains.
Hats and Bonnets,
Flowers and Plumes,
Pompons and Wings,
Ostrich Tips,
Trimmed Hats and Bonnets,
Notions, a full stock of choice Goods.
Fancy Goods,
In great variety. Departments newly supplied. Everything very cheap.
Gents' Goods,
Hosiery, Gloves, Ties, Collars, Shirts, White and Colored, Undershirts, Handkerchiefs, Braces, Suspenders, Drawers, Cardigans, &c., &c.
LADIES' UNDERWEAR.
Vests in high and low necks, long and short sleeves in all sizes. Drawers all sizes.
RIBBONS, RIBBONS
Plain and Watered Sash Ribbon, Plain and Stripe Sash Ribbon, Neck Ribbons, new shades, Gros Grain Ribbon, new shades.
Laces and Embroideries,
Ruches and Ruching.
Velvet Belts,
Hair Goods.
165, 167 and 169
FEDERAL ST. ALLEGHENY.

LEGAL.

PROCLAMATION.

Allegheny City, ss.

I, A. P. CALLOW, Mayor of the City of Allegheny City, do issue this my Proclamation, that on the SECOND TUESDAY OF DECEMBER, A. D. 1873, being the ninth day of the month, the freemen of said city being qualified to vote for members of the House of Representatives of this Commonwealth, shall meet at the respective places of holding elections in the several wards, and elect by ballot the following named officers:

The electors of the First ward, city of Allegheny, will meet at the Public School House of said ward, and elect one citizen to serve as a member of Select Council for two (2) years, and two (2) citizens to serve as members of Common Council.

The electors of the Second ward, city of Allegheny, will meet at the Public School House of said ward, and elect one citizen to serve as a member of Select Council for two (2) years, and four (4) citizens to serve as members of Common Council.

The electors of the Third ward, city of Allegheny, in the first precinct, will meet at the Public School House of said precinct. In the second precinct, at the Public School House of said precinct, and elect one citizen to serve as a member of Select Council for two (2) years, and five (5) citizens to serve as members of Common Council.

The electors of the Fourth ward, city of Allegheny, in the first precinct will meet at the Public School House of said precinct, and in the second precinct will meet at Public School House (No. 5) of said precinct, and elect one citizen to serve as a member of Select Council for two (2) years and four citizens to serve as a members of Common Council.

The electors of the Fifth ward, city of Allegheny, will meet at the Public School House of said ward, and elect one citizen to serve as a member of Select Council for two (2) years, two citizens to serve as members of Common Council, and one citizen to serve as Director of Poor for two (2) years.

The electors of the Sixth ward, city of Allegheny, will meet at the Public School House of said ward, and elect one citizen to serve as a member of Select Council for two (2) years, two citizens to serve as members of Common Council and one citizen to serve as Director of Poor for two (2) years.

The electors of the Seventh ward, city of Allegheny, will meet at the public house of Lutz & Waltz, corner of Chestnut and O'Hara streets, and elect one citizen to serve as a member of Select Council for two (2) years, two citizens to serve as members of Common Council, and one citizen to serve as Director of Poor for two (2) years.

The electors of the Eighth ward, city of Allegheny, will meet at the Public School House of said ward, and elect one citizen to serve as a member of Select Council for two (2) years, two citizens to serve as members of Common Council and one citizen to serve as Director of Poor for two (2) years.

The electors of the Ninth ward, City of Allegheny, will meet at the Public School House of said ward, and elect one citizen to serve as a member of Select Council for two (2) years, two citizens to serve as members of Common Council and one citizen to serve as Director of Poor for one (1) year.

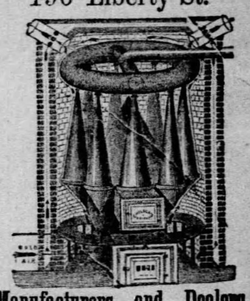
The electors of the Eleventh ward, city of Allegheny, will meet at School House (No. 2) in said ward and elect one citizen to serve as member of Select Council for two (2) years and two citizens to serve as members of Common Council.

In testimony whereof I have hereunto (L. S.) set my hand and affixed the seal of said City of Allegheny, this 25th day of November, A. D. 1873.

A. P. CALLOW, Mayor.

DRY GOODS.
WM. SEMPLE
FALL STYLES.
MILLINERY GOODS
A complete stock at our usual bargains.
Hats and Bonnets,
Flowers and Plumes,
Pompons and Wings,
Ostrich Tips,
Trimmed Hats and Bonnets,
Notions, a full stock of choice Goods.
Fancy Goods,
In great variety. Departments newly supplied. Everything very cheap.
Gents' Goods,
Hosiery, Gloves, Ties, Collars, Shirts, White and Colored, Undershirts, Handkerchiefs, Braces, Suspenders, Drawers, Cardigans, &c., &c.
LADIES' UNDERWEAR.
Vests in high and low necks, long and short sleeves in all sizes. Drawers all sizes.
RIBBONS, RIBBONS
Plain and Watered Sash Ribbon, Plain and Stripe Sash Ribbon, Neck Ribbons, new shades, Gros Grain Ribbon, new shades.
Laces and Embroideries,
Ruches and Ruching.
Velvet Belts,
Hair Goods.
165, 167 and 169
FEDERAL ST. ALLEGHENY.

NEW ADVERTISEMENTS.
Important to Advertisers.
The UNITED PRESBYTERIAN
Offers unusual advantages as an ADVERTISING MEDIUM. It is a large Double Sheet, weekly, Religious and Secular Newspaper, and will enter upon its
THIRTY-SECOND VOLUME
JANUARY 1ST, 1874.
Some reasons why the UNITED PRESBYTERIAN is unsurpassed, if equalled, by any newspaper in the West:
First—The "United Presbyterian" has the LARGEST CIRCULATION of any paper published in the United Presbyterian denomination, and larger than any other religious or secular paper published in this portion of the country.
Second—It goes into thousands of families weekly, many of whom take no other.
Third—No advertisements of an objectionable kind will be inserted, and the space allotted to advertisements is limited.
Fourth—The terms are very moderate in proportion to those charged by periodicals of scarcely half the circulation.
NOW IS THE TIME!
To make arrangements for Holiday advertisements.
Call and see our list of subscribers, or address the proprietors,
H. J. MURDOCH & CO.,
No. 72 THIRD AVENUE,
PITTSBURGH.

L. H. SMITH & CO.,
190 Liberty St.

Manufacturers and Dealers
IN THE
CHILSON
New Cone Furnaces
WELLMAN REFLECTOR
Grates and Stoves,
MARBELIZED
SLATE MANTELS.
ALSO
Common Fronts and Grates,
HOT AIR REGISTERS AND VENTILATORS, &c.
The Superiority of the Cone Furnace consists in its simplicity of construction, large amount of radiating surface, ease of management and economy in fuel, saving at least one-third of fuel over the ordinary Furnace.
THE WELLMAN REFLECTOR GRATE
Has an acknowledged reputation. For Cleanliness, Economy of Fuel and Heating Capacity it stands without a rival.
An examination of our stock is respectfully solicited.

JAS. M. WALKER,
372 Penn Av., Pittsburgh, Pa.
(Opposite C. & P. R. R. Freight Depot).
Manufacturers' Agent
For the sale of all goods made by
N. U. WALKER & CO.,
WELLSVILLE, OHIO.
Vitrified Stone Sewer Pipe,
VITRIFIED WATER PIPE,
Fire Brick of all shapes, Cupola and Furnace Linings, Fine Ground Fire Clay, Chimney Tops and Flues, HYDRAULIC CEMENTS and CALCINED PLASTER.
ALL TERRA COTTA WORK.
The location of the Works in near Wellsville, Ohio, on the bank of the Ohio River, and on the Cleveland & Pittsburgh R. R. Convenient for shipping to Pittsburgh, Wheeling, Cincinnati, Louisville, and other river points, and Cleveland, Chicago and all points on the Lakes or Railroad. Orders filled promptly, from the Wheeler Warehouse. jy2

DR. WHITTIER,
No. 296 PENN STREET, Pittsburgh, Pa.
Continues to treat with his usual great success, all Private Diseases. Perfect cures guaranteed.
Spermatorrhœa or Seminal Weakness, resulting from self-abuse or sexual excess, producing nervous debility, night emissions, despondency, dizziness, dimness of sight, pimples on the face, weakness of mind and body, and finally impotency, loss of sexual power, sterility, &c., unfitting the victim for marriage or business, and rendering life miserable, are permanently cured in shortest possible time. Gonorrhœa, Gleet, Stricture, all urinary diseases and syphilis, (all forms) and disgusting of skin eruptions, ulcers, &c., are perfectly cured, and the blood-poison thoroughly eradicated from the system.
DR. WHITTIER is a regular graduate of medicine, as his diploma at office shows; his life-long special experience in all private diseases, with purest medicines prepared by himself, enables him to cure diseases which after others fail—it is self-evident that a physician treating thousands of cases every year acquires great skill. Consultation and correspondence private. Pamphlet sent sealed for stamp. Medicines sent everywhere.
Office hours, 9

FINANCIAL.

FRANKLIN SAVINGS FUND
And Safe Deposit Co.,
Corner 7th Avenue and Smithfield Street.
Incorporated by Legislature of Pennsylvania.
CAPITAL, - - - $250,000.
Interest allowed on Deposits. Short Loans on Valuable Property, Real or Personal. Discounts daily.
Open daily from 9 A. M. to 3 P. M., and on Saturday from 7 to 9 P. M.
ANDREW L. McFARLANE, President.
SAM'L A. LONG, Vice President and Business Manager.
DIRECTORS.
Andrew L. McFarlane, W. B. Lupton,
Alex. Thaw, Sr., J. J. P. Smith,
A. T. Doutbett, Jos. W. Haney,
Peter Kohne, W. H. Irwin.
Sam'l A. Wilson, Secretary.
JOHN G. MACCONNELL, Solicitor.

FORSALE,
CITY OF PITTSBURGH
STREET IMPROVEMENT
Seven Per Cent.
Penn Ave. Bonds
AT PAR AND INTEREST, FREE FROM TAXATION.
IRA B. M'VAY & CO.,
BANKERS,
Cor. Fourth Avenue and Smithfield Street.

SHOE AND LEATHER BANK,
14 Smithfield Street,
PITTSBURGH, PA.
CAPITAL - - - $200,000.
GEO. H. ANDERSON, President.
JOHN D. FRASER, Cashier.
Deposits received and 6 Per Cent. Interest allowed on Time Deposits. Particular attention given to Collections and proceeds promptly remitted.

Luther S. Kauffman,
Stock and Note Broker,
96 FOURTH AVENUE,
PITTSBURGH, PA.
Stocks, Bonds, Mortgages and Commercial Paper bought and sold on commission.
Investors are requested to call for full information.

GERMAN NATIONAL BANK.
Cor. Wood Street and Sixth Avenue.
CAPITAL, - - - - - - $250,000
SURPLUS, - - - - - - 127,000
Interest allowed on time deposits.
Exchange on Germany, France, England and Switzerland at lowest rates. Collections made promptly on all parts of the United States and Canada. Particular attention given to all business of correspondents.
DIRECTORS.—A. Grentzinger, J. F. Havekotte, W. F. Lang, J. C. Dickson, E. H. Meyers, Joseph Lang, Paul Hugus, Christ. Siebert, P. Haberman.
A. GROETZINGER, President.
JOSEPH LAUBACH, Cashier.

International Bank.
Corner Liberty and Market Sts.
CAPITAL, $200,000.
Pays Interest on Deposits.
4 Per Cent. per annum upon daily balances—from inactive non-borrowing accounts—payable on demand.
6 Per Cent. per annum on special deposits for 60 days and upwards.
Special agreements relating to interest made.
Notes and Bills Purchased.
W. H. MECHLING, President.
WM. NEEB, Vice President.
F. E. MOORE, Cashier.
DIRECTORS.
John Watt, W. H. Mechling,
Wm. Neeb, A. M. Byers,
Joseph Wagener, Joseph Graff,
C. H. Lewis, J. G. Anderson,
W. McKee, C. Schleiper,
James Irvin. MWF

DAILY GAZETTE.
FINANCIAL.
Latest Advices Concerning Money and Stock Matters.

OFFICE OF THE PITTSBURGH GAZETTE, SATURDAY EVENING, December 6.

The week closes with very little change in our money market. There is plenty of money in the hands of individual parties, if not in the banks; but the difficulty is that too high rates are demanded for the use of the money. Investors must bring their ideas down to a more reasonable figure. High rates must disappear, and money once more come to a reasonable price.

In the New York stock market to-day, stocks have again taken an upward tendency. It is said that large blocks of stocks are being bought for account of country customers. It is true that stocks have not yet reached the prices existing before the panic, but it is hardly likely that for some time, at least, they will reach that figure.

Luther S. Kauffman, Broker, No. 96 Fourth Avenue, furnishes the following quotations of bonds and stocks from the latest advices by telegraph:

	Friday.	Sat'dy.
Gold	109¾	109¾
U. S. 6ses—1881—coupons	107¾	107¾
5-20 1867	107¾	107¾
5-20 1868	110¾	111
" 1865	112¾	112¾
" 1865 new.	110¾	110¾
" 1864	110¾	110¾
" 1862—coupons.	110¾	110¾
10-40's—coupons	110	110
Currency 6's	109¾	109¾
New 5 per cents	109¾	109¾
RAILWAYS.		
New York Central	93¾	93½
Erie	46	46
R. H. & R.	3	3
C. C. & I. C.	25¾	26¾
St. Paul	35½	36¾
Do. preferred	61¾	60¾
Michigan Southern	72¾	73¾
Do. Central	74	74
North Western Common	69	69¾
Do. preferred	87¾	87¾
Rock Island	93¾	93¾
Cleveland & Pittsburgh	81¾	82
Pacific Mail	30¾	30¾
Western Union Telegraph	71	72¾
Ohio & Mississippi	23¾	23¾
Union Pacific	37¾	37¾
Toledo & Wabash	47¾	50
Chicago & Alton	118¾	119
Adams Express	86	86
American Express	60	60½
U. S. Express	64¾	64¾
W., Fargo & Co. Express	63¾	69
Canton	96	97
Panama	94	
Fort Wayne	88¾	88¾
Quicksilver	23¾	27¾
Quicksilver pf.	67¾	64
New Jersey Central	95	96
Hannibal & St. Joseph	26	
Do. preferred	34¾	

Messrs. Robinson Bros., bankers, No. 78 Fourth avenue, furnish the following quotations of active stock on the Philadelphia Stock Board today:

	Friday.	Sat'dy.
Penna. Central	94	94¾
Reading	53	53¾ bid.
Mining Co. of N. J.	115	115¾
Oil Creek	15	16½
Lehigh Valley	57	57¾
N. Y. Central	93¾	93¾
Central Transportation	40	40
Empire do.		50
Penna. scrip dividend	92¾	93

NEW YORK, December 6, 1873.

The customs receipts to day were $220,000. The Treasury disbursements were $152,000. The imports for the week were dry goods $1,093,117, general merchandise $3,999,993. The specie shipments for the week were $511,467, principally in silver bars. Gold ranged at 109¾@109¾, and closed at 109¾. Carrying rates 3@6, closing at 6. Clearings $42,000,000. Money was easy at 5@7, and closed at 7. Sterling was firm; sixty days 108¾ and sight 109¾. Governments were dull and steady. State bonds were quiet and strong. Messrs. Slaughter & Co., cotton brokers, failed to-day. It is not believed to be a bad failure or that serious trouble will result therefrom. Stocks were strong, with an advance of from ¼@¾ per cent. The chief activity was in Western Union, Pacific Mail, Lake Shore, Wabash, Northwest and Union Pacific.

Governments.—U. S. coupons of 1881, 107¾; 5-20s of '62, 111; of '64, 111¾; of '65, 112; do new, 110¾; 10-40s, 110¾; 6-20s of '67, 110¾; do '68, 110¾; new 5s, 109¾; 10-40s, 109¾.

State Bonds.—Missouri 6's, 92¾; Tennessee new 7-30s, 77¾; Virginia new, 67; do old, 34; North Carolina old, 34; do new, 33.

Stocks.—Canton, 97; Western Union Telegraph Quicksilver, 28; Pacific Mail, 30¾; Adams Express, 86; Wells, Fargo & Co.'s Express, 67½; American Express, 60½; United States Express, 64¼; Pacific Mail, 30¾; New York Central, 93¾; Erie, 46; do pref'd, 69; Harlem, 128¾; do preferred, 138; Hudson River, 124; Michigan Southern, 72¾; Fort Wayne & Chicago, 88; Northwestern common, 69¾; do preferred, 87¾; Rock Island, 94¾; New Jersey Central, 96; St. Paul, 36¾; do preferred, 59¾; Toledo & Wabash, 50; do preferred, 62; Fort Wayne, 89¾; Terre Haute, 12; do preferred, 47¾; Chicago & Alton, 96; do pref'd, 102; Ohio & Mississippi, 23¾; Cleveland, Columbus & Cincinnati, 71¾; Burlington & Quincy, 94; Lake Shore, 73½; Panama, 96; Illinois Central, 97; Union Pacific, 37¾; Central Pacific, 93; Union, 84½; Hartford & Erie, 3½; Delaware & Lackawanna, 96¾.

LONDON, December 6—5 P. M.—Consols: money 93⅞; account 93⅝@93¾; 5-20's of '65, 89¾; do of '67, 87½; do new 4½'s, 91¾; Erie, 18¾.

PARIS, December 6.—Rentes 105f.

COMMERCIAL.

Condition of the Markets at Home and Abroad.

PITTSBURGH MARKETS.

OFFICE OF THE PITTSBURGH GAZETTE, SATURDAY, December 6, 1873.

General business continues dull, but there is a much better feeling, both in financial and commercial circles, and the indications are that trade will soon commence to pick up again. The receipts of all kinds of Grain continue very meagre, stocks are very much reduced, and prices in consequence, firm and higher. Coffee is considerably excited, and a further advance in the eastern markets has been established. There is a steady demand for all kinds of produce, and notwithstanding the inquiry is mainly to supply immediate wants, there is a very fair business in the aggregate. Flour is firmer but unchanged, both as regards price and demand. APPLES—Sales in a jobbing way at $3@3 per bbl. for common to good, and $3.50@4 for prime to choice.

APPLE BUTTER—60@70c per gallon.
BUCKWHEAT FLOUR—4@4½c ₱ ₰.
BRANS—$1.70@2.25 per bushel.
BUTTER—Prime to choice roll 32@35, and choice to fancy for any other kind.
CHEESE—We continue to quote prime Ohio Factory, in job lots, at 13½@15; and New York Goshen, Pioneer, Prolific, at 16@17.
CRANBERRIES—Sales of Jersey's @ $10@12 ₱ bbl. according to quality.
CARBON OIL—Standard brands are still quoted at 25c ₱ gallon for single barrels, and 23c additional for smaller lots.
CIDER—Is still quoted at $6@9 ₱ brl. as to quality and size of barrel.
DRIED FRUITS—Apples, 4@5c per lb. Peaches, halves, 10@12c.
DRESSED HOGS—4½@5c per lb.
EGGS—Scarce and prime fresh stock continues meagre, and prices are fully sustained. 29@30c. Packing stock are 24@25c at 31. Pickled continue to come in freely, and the market is well supplied; may be quoted at 22@23.
FEATHERS—Reported firmer but there is no perceptible change in prices. Spring wheat flour, 4½@5c.
GRAIN—Arrivals of all kinds of grain continue very meagre, and with reduced stocks, and an average demand, the markets are decidedly firmer. Red winter wheat is still quoted at $1.45@1.50, amber at $1.55, and white at $1.60. The Oat market is ruled but firm at 47@50, according to quality. Corn is coming in a little more freely, but the supply continues small and prices are still maintained; new Ear selling at 38@40; old at 42@45, and old shelled at 45@50. There does not seem to be much inquiry for Rye, although there is very little arriving. Barley continues dull—we have heard of but very few sales recently.
GROCERIES—Coffee continues very firm and considerably excited, and our New York dispatches report a still farther advance. Sugars are quiet and unchanged, and the same is true of Molasses and Syrups.
COFFEE—Choice Rio, 27 to 28; good to prime, 25½@26½; fair, 24½@25½. Roasted 1 ₱ packages, 30c; loose, 29c.
SUGARS—Patent Cut Loaf, 12c; Crushed, Powdered and Granulated, 10¾; Standard A, 10¼; B, 10@10¼; C, 9½@9¾.
HAY—Baled, $14.50@15 ₱ ton.
HIDES—Are still quotable on wharf and track at $18@20 per ton, according to quality and condition.
ONIONS—Selling in small lots at $4@4.50 per barrel, as to quality.
PEACHES—$1.65@1.75 ₱ bushel.
POTATOES—Are getting scarce, the market is firmer the arrivals recently having been comparatively light, but prices remain unchanged; we continue to quote Peerless, Rose Blows, in a jobbing way, at $1.60@1.65 per bushel.
POULTRY—There is perhaps rather more inquiry, relatively, for fresh stock, but prices have not improved much as yet.
PROVISIONS—Extra Sugar Cured Hams, 9 lb. lbs, Ex. Extra Cured Shoulders, 9¾; Sugar cured Breakfast Bacon, 11½c. Extra Sugar Cured Dried Beef, 15½. Beef tongues, $7.50 ₱ dozen. Bacon Shoulders, per lb, 8½c. Bacon Sides, 9c. Bacon Short Rib Sides, 9½c. Bacon Clear Rib Sides, 10c. Mess Pork, $16 per barrel, for mixed Land for summer use, in tres, 9¾. Do, half bbls, 10½. Do, tubs, 10¾c. Do. in 5 lb. caddies, 12c. Do in 5 lb. 11¾c Do. in 3 lb. caddies, 12½c ₱ pound. Do. in 8 lb. pails, 12¾. Do in 5 lb. pails, 13¼. Ham Sausage, 10c.
EGGS—Quoted at 24½@25c.
SALT—Is quoted at $1.60 ₱ brl. by the car load, and $1.85 in a jobbing way.
SEEDS—Flax Seed, $1.80@1.85 per bushel. No movement in either Clover or Timothy.
TALLOW—Quoted at 6@6½.
WHISKY—Highwines firmer; may be quoted at 96@96½ ₱ gallon.

PITTSBURGH LIVE STOCK MARKET.

CENTRAL STOCK YARDS, EAST LIBERTY, SATURDAY, December 6, 1873.

ARRIVALS.

Following are arrivals of the different kinds of stock for the week, and to afford a comparison we append those of the preceding week also:

	This week.	Last week.
Cattle	336 cars	336 cars
Hogs	38 "	281 "
Sheep	91 "	31 "
Horses	4 "	8 "
Mules	11 "	1 "
Total	729 "	655 "

CATTLE.

Trade was a little slow during the first part of the week, as there were but few buyers in attendance, but subsequently, under the influence of an increased demand, business became brisker, and from Tuesday until the close, nearly all the cattle were sold about as fast as they arrived, and dealers generally quoted an advance of 20 to 25c per cwt. on all grades. The average quality was pretty well up to what it has been recently, but the supply of what may be classified first and second class was not nearly as scarcely equal to the demand, hence, these grades sold quickly and at relatively better prices than the commoner grades. Well to do to choice steers are still maintained; new Ear selling at $3@3.50; old at 62½@3, and old shelled at 3@3½. There does not seem to be much inquiry for Rye, although there is very little arriving. Barley continues dull—we have heard of but very few sales recently.

GROCERIES—Coffee continues very firm and considerably excited, and our New York dispatches report a still farther advance. Sugars are quiet and unchanged, and the same is true of Molasses and Syrups.

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SUGARS—Patent Cut Loaf, 12c; Crushed, Powdered and Granulated, 10¾; Standard A, 10¼; B, 10@10¼; C, 9½@9¾.

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EGGS—Quoted at 24½@25c.

SALT—Is quoted at $1.60 ₱ brl. by the car load, and $1.85 in a jobbing way.

SEEDS—Flax Seed, $1.80@1.85 per bushel. No movement in either Clover or Timothy.

TALLOW—Quoted at 6@6½.

HOME NEWS.

Letters Held for Postage, Dec. 7, 1873.

Dr. A. P. Blakeslee, St Louis, Mo., 1c; Miss Annie Marsh, Rochester, N. Y., 3c; But Mead, Baltimore, Md., 3c; A. & W. W. Strickland, Chicago, Ill., 2c; Rodolf Spring, Fort Washington, Ohio, 1c; Mrs. E. Turnour, New York, 3c.

E. C. NEGLEY, P. M.

Fall of a Trestle.

On Saturday one hundred and seventy feet of trestle work, constructed for the water mains, now being laid on the Fifth avenue extension to Soho, fell with a terrible crash. Some ten men were working upon the trestle when it fell, but only two were injured. Samuel Gray a carpenter, who lives on Wylie street, had his right foot fractured, and Wm. Ellis boarding on Grant street, had his collar bone broken, and shoulder shattered, besides being hurt internally. They were both removed to their homes.

Found in a House of Ill-fame.

Last evening detectives Wilmot and Bessner rescued from a house of ill-fame a girl fourteen years of age, the daughter of a respectable and well known citizen of the Sixth ward, in this city. The girl disappeared from her home some six weeks ago and could nowhere be found. She is supposed to have been lured into this house by a procuress. When the officers went into the house the proprietress strenuously denied all knowledge of the girl, but she was found in a house near by, whence she had been spirited by the woman clude the officers.

Hon. W. S. Andrews.

[illegible] evening, at Library Hall, Hon. Wm. S. Andrews under the auspices of the Mercantile Library Association, will deliver his lecture entitled "[illegible]." The New York *Times* says of him [illegible] course of the lecture Mr. Andrews spoke eighteen dialects, illustrative of as many different characters. His remarks were amusing in the extreme, and he kept his critical audience in constant laughter from the commencement of his address to its close. Mr. Andrews' lecture is unique, and it differs entirely from those of the humorous lectures we are familiar with, because of the variety of its themes. The lecturer possesses extraordinary power as a humorist, and his rapid changes from one character to another were really remarkable. He cannot fail to be a welcome acquisition to the lyceums, the demand for good humorous lectures rather exceeding the supply."

MYSTERIOUS SHOOTING.

A Queer Case in Allegheny.

About two o'clock yesterday morning, Officers Couch and Smith heard a noise as if some one was trying to break in a door on Second street, Allegheny. They proceeded to the spot and found a man named Snyder very drunk, kicking violently at a door. As he could give no very clear account of himself, the officers took him to the lock-up, where they were horrified to find his pants saturated with blood. Questioning the man brought out the fact that he had been shot in Bolstein's saloon on Second near Middle street, in the house where he had been trying to gain an entrance in order to find the man who shot him. Dr. Cole was summoned, who worked a long time probing for the ball, which he found imbedded to the depth of about four inches in the fleshy part of the leg, and which thought it wise not to extract it, as it would not seriously affect the wound. Yesterday morning, before the Mayor, Snyder had a hearing, when he was discharged.

AMUSEMENTS.

PITTSBURGH OPERA HOUSE.—The immense success of the engagement of Miss Western, and the pressure brought to bear upon the management, they by strong inducements have gained the ladies acquiescence to stay a short time longer, and this evening she will appear in her successful and powerful personation of "Nancy Sykes," assisted by Mr. Gotthold as "Fagin," and Mr. Whalley as "Bill Sykes." Go early to the box office to secure your seat.

ACADEMY OF MUSIC.—This evening the Tony Denier pantomime combination, with a finely selected company, will appear in G. L. Fox's well known "Humpty Dumpty." A lot of new specialties will be given and new artists will appear.

LIBRARY HALL.—On Saturday afternoon the concert matinee of the American Conservatory of Music was given with immense success. The hall was densely packed with a fashionable audience, and the concert, artistically considered, really a treat, the artists all seemingly trying to excel themselves.

OBITUARY.

Mr. Benjamin H. Follansbee.

Mr. Benjamin R. Follansbee, a brave soldier and a worthy gentleman, died on Saturday at the residence of his brother, Mr. G. Follensbee. Deceased, during the war, served with honor in the Eighteenth Regiment Pennsylvania Cavalry, was taken prisoner and taken to Libby prison in Richmond, Va., from which he was shortly after exchanged. He was wounded in one of the many battles he was engaged in, and they were always a source of trouble to him and hastened his death. His died rather suddenly, and in his decease left a long train of sorrow to many sincere friends, who sympathize with his relatives in this their sad bereavement.

Mrs. Mary Oliver.

By reference to our obituary column, it will be observed that another of Pittsburg's oldest residents has departed this life, in the person of Mrs. Mary Oliver, at the advanced age of eighty-four years. Her death occurred on Sunday morning at the family residence in the Nineteenth ward. Although not entirely unexpected, the decease of this venerable and much loved lady has caused great sorrow in the afflicted household, and also in a large circle of sympathizing relations and friends. Mrs. Oliver was, perhaps, the last of the membership of the "Old Log Church" that many years since occupied the site of the present First Presbyterian church, on Sixth street. The funeral will take place to-morrow afternoon at two o'clock.

THE NEW CONSTITUTION.

The People will Support it—Meeting in its Favor on Saturday Evening.

On Saturday evening, the Seventeenth ward school house, a well attended meeting was held to discuss the merits of the new Constitution. Capt. G. A. Dravo was called to the chair. The following gentlemen were then chosen vice presidents: Messrs. John Chislett, John W. Riddell, Joseph Mitchell, John More, M. J. McGivan, Col. A. Scott, Dr. James Robinson, John McKinson, Henry Ahlborn, James G. Wilson, S. B. Duff, G. Weistin, J. H. Fluck, Joseph B. Duff, Samuel McKinley, S. C. McCandless, John McMasters and N. P. Sawyer.

For secretaries were chosen Thomas Wightman, J. W. Campbell, John Hoerr, John A. Hall and Wm. Lacy. The reporters of the press were added to the latter list. Citizens of the Fifteenth, Sixteenth, Seventeenth and Eighteenth wards were present.

Hon. John A. Purviance was introduced and spoke at considerable length dissussing the merits of the new Constitution in an able manner, and showed conclusively that it was just what was needed to prevent corruption in the legislature. He said it was the best Constitution in the United States.

The following Committee on Resolution was on motion appointed: Messrs J. H. Kerr, S. F. Patterson, L. S. Johns, Wm. Reardon, James Cuddy, Jos. Mitchell and S. C. McCandless.

They introduced the following which was adopted:

Resolved, That in the judgment of this meeting, the "New Constitution" is worthy the cordial support of every voter in the State. That if adopted it will be the means of reforming many abuses in our political system, and more securely protect the rights and liberties of the people.

JOHN H. KERR, Chairman.

Judge Ewing spoke at some length, and the meeting adjourned with three cheers for the new Constitution.

BREVITIES.

Paragraphic Pencilings of Passing Events.

----Councils to-day.

----The churches were well attended yesterday.

----To-morrow is election day for ward officers and Councilmen in Allegheny City.

----On Saturday last Dr. John B. Stilley was appointed county engineer, vice George M. Coleman, whose term of office expires on the first of January next.

----A man named Lynch and his wife are a disagreeing couple. Mrs. Lynch has obtained about fifty dollars, though various devious ways and the husband has "skipped off" with five thousand dimes for which he paid with a bogus check. Mrs. L. is in limbo.

----Mr. William Allen, of Eaton, Lorain county, Ohio, who has been spending a few days in Pittsburgh, calling on friends and visiting the principal points of interest, returns with decidedly more favorable impressions of the city's extent, population, manufactures and business generally than he has heretofore entertained, this having been his first visit to the "Smoky City."

----A hundred dollars reward is offered by Chief of Police Irwin for the return of Prof. Mayer, but as that worthy is supposed to have fled to his *Fuderland*, it is not likely that a hundred dollars will be any inducement to turn his "light fantastic" hitherward. The fact is, he has gone to Europe, leaving many mourning friends in Pittsburgh, who, should he return with a plethoric purse, would greet him with open palms.

----On Saturday morning officer Hoffmeyer arrested a man named Franklin Shields, whom he caught on a rather peculiar fishing expedition. The fact is, Frank had a lot of very superior fish under his arm, which probably once swam in Lake Michigan, but, as it was only three o'clock in the morning, the officer thought it unusual and arrested him. A fish and oyster house had been entered in Allegheny, and that was the result of the excursion; but as the proprietor would not prosecute, Shields was sent thirty days to the work house by the Mayor as a suspicious character.

----The pilot of the mail packet Elector and the towboat Clipper, at Lock No. 2, on Saturday had a dispute in regard to the right of way. They both approached the lock at the same time, the Elector bound down and the Clipper up. The lock-tender claimed the right for the mail boat, but the Clipper would not give it. Finally after waiting several hours the dispute was settled. The U. S. Marshal was telegraphed to for police, but they did not come as the boats proceeded. The passengers on the packet—many of them—walked four miles across the country to Monongahela City.

PERSONAL.

*** Mr. N. H. Voegtley, at present member of Common Council from the Third ward, Allegheny, received the unanimous nomination for Select Council from the Republicans of the ward, on Saturday last, thus attesting his popularity and the well-earned confidence his constituents place in him as a man and a Councilman. Mr. Voegtly has ever honestly and efficiently attended to the interests of the ward, Common branch, and now the people propose to partially reward a faithful representative by electing him to Select Council on Tuesday.

WATER BONDS.

Saturday's Developments.

Two Sessions of the Finance Committee—Major Negley's Prosecuting Resolutions Adopted—The Members of the Water Commission Examined—Their Testimony—Criminal Informations—Arrest of Secretary Ross and Directors of Nation Trust Co.—Proceedings Against the Bank—Statement of Mr. Blair.

On Saturday the Finance Committee held two sessions in the office of the City Controller, and they were by all odds the most interesting of any yet. The morning meeting was for the purpose of conferring with a committee from the stockholders of the Nation Trust Company. The committee was accompanied by their counsel, Messrs. Acheson, Brown, Geyer, Hampton and McKelvy. City Attorney Bigelow and Messrs. D. T. Watson and H. B. Swoope were present as the legal advisers of the Finance Committee. The stockholders' committee consisted of Messrs. James McCabe, Alex. Pitcairn and T. C. Dickson. They were instructed to say to the committee that the bank will pay all they owe, but nothing more, and they must have proof of their liability for the bonds before they acknowledge their indebtedness or pay over to the city the sum demanded.

When the committee had stated their proposition they were requested to retire, and going into the Mayor's back office they there held a consultation with their lawyers. Communication was kept up between the two committees by means of the Attornies who flitted backward and forward for a considerable time, when Mr. Follansbee, of the Finance Committee offered a resolution

ADMITTING THE REPORTERS

of the press for the purpose of taking the proceedings, but it was voted down. Major Negley then called up the resolution presented by him at a previous meeting providing for the prosecution of all persons criminally connected with the water bond transaction.

THE RESOLUTIONS

are as follows:

WHEREAS, Councils, on the 24th of November, 1873, referred to this Committee an Investigation of the manner of Sale of Water Extension Loan Bonds, and the disposition made of the money received from the proceeds of sale of said bonds, and that the said Committee be directed to take such action as may be deemed necessary to protect the interests of the city; therefore, be it

Resolved, First. That the City Attorney be directed and empowered to forthwith proceed and prosecute any city officer, bank director, manager, or any other person who may have been *participeps criminis* in the illegal use of the city's moneys or Water Extension Loan Bonds, of such crime or crimes as they may have been guilty, or by investigation hereafter may appear to be guilty, whether of embezzlement, larceny by bailee, conspiracy or other crimes.

2. That Councils be requested to pass the following resolution:

Resolved, That in the alleged improper use of city funds and water-extension bonds by any of the city officers, and to enable the Finance Committee fully to investigate charges against members of Councils or other officers, or such other matters as said committee may deem proper, the Mayor is hereby directed and empowered, upon the request of said committee, to issue a subpœna and compulsory process to compel the attendances of persons and the production of books and papers before the said committee, at such times and places as said committee may deem best and see proper to designate.

Mr. Negley vigorously supported his resolution. He contended that the money was all right but that the public demanded prosecution if all parties who assisted in placing the funds of the city in bank.

Mr. McCune offered as a substitute that the Committee proceed to interrogate the members of the Water Commission as to the plan of issuing bonds and the manner of conducting business, but did not say anything about prosecuting the guilty parties when discovered.

OPPOSED TO THE RESOLUTION.

Mr. Phillips said that he could never vote for the resolution in the shape it was offered. He knew all the members of the Water Commission to be honorable gentlemen, and he could not vote to brand them as thieves and robbers. Of their willingness to be interrogated under oath as to their knowledge of this transaction, he had no doubt. That they had committed errors, and that they had not been as watchful as they should have been, he acknowledged. They thought everything was right. Are we to brand them as thieves and plunderers of the city treasury because of these errors? The speaker didn't care for the clamor on the streets. Public policy should not induce him to do an act of injustice.

Mr. Negley said the people demanded that this affair should be sifted to the bottom. There was evidence enough upon which to base a charge. There was positive testimony that the Water Commission so far, but the course proposed in the resolution would develop all the facts. Turning to Colonel Phillips, he said: You know, and you know that I know, who bypothecated these water bonds. It is those parties we should reach. He didn't care who was involved, the guilty should be punished.

Mr. E. F. Jones was in favor of the plan proposed by Colonel Phillips, and Messrs. Littell, Fetterman and Aiken were in favor of Major Negley's resolution. In response to a question asked Mr. Negley as to

WHO HE WANTED

on his committee, he said: "I want no member of Council, no member of the Finance Committee, no member of the Water Commission, no officer or stockholder in the Nation Trust Company on that committee. What I want on that committee is citizens of the highest character and ability, who will investigate this thing fairly and fully, without fear or favor, who will place this blame exactly where it belongs, so that the guilty parties, no matter who they are, shall be brought to justice. You ask me who I want on that committee? I want such men as William B. Holmes, John Harper, and men of that stamp—men who will do their duty honestly."

At half past one o'clock the committee, without coming to a vote on Mr. Negley's resolution, adjourned to meet again at three o'clock.

Afternoon Session.

When the Committee assembled again after three o'clock the proposition of the Nation Trust Company was again taken up, and after some discussion a conclusion was finally arrived at. The Company proposes to lift the notes in Philadelphia and to give a first mortgage for the whole claim of the city—$509,000, the deposit claim to be submitted to three arbitrators. This was finally referred to the counsel on both sides, with instructions to submit a report on the same, on Monday morning at nine o'clock.

Pending this action Mr. Fetterman offered the following which was adopted.

Resolved, That the Solicitors of the city be invested with full power and authority to adopt such measures and institute such proceedings as they may deem proper for the recovery and secure to the United States.

Again the resolutions offered by Mr. Negley were called up, and passed, but not without considerable opposition. As soon as it was adopted Mr. Seely moved that reporters be admitted, which was carried, and then it was decided to proceed with the examination of the members of

THE WATER COMMISSION,

all of whom were present. On motion, Colonel Phillips, Major Negley and S. B. Fetterman were appointed a committee to conduct the examination. Alderman McMasters was sent for and administered the oath to all the commissioners, Messrs. Carroll, Bingwin, Laufman, Watson and Rolfe.

THE PRESIDENT'S EVIDENCE.

The first commissioner examined was Mr. D. W. C. Carroll, the President, who testified as follows: "Am President of the Water Commission. The Commission have blank bonds in book form in the office safe. These were ordered by the Commission, and are unsigned. As an instance of how we used them, I say John Smith wanted one for $1,000. The bond would be filled out and taken to the Mayor and City Controller, and when the money is received it is turned over to the City Treasurer and the bond is given to the purchaser. The Controller however, receives a receipt for the bond after it is executed and before it is returned to the secretary of the Commission for delivery to the buyer. The receipt must be signed by a majority of the Commission. The secretary reported the sale of bonds at the next meeting, but sometimes not until the second one. Mr. Ross had control of the bond book and the stubs showed what bonds were issued; the blank bonds were obtained from the Controller, and a majority of the Commission had to sign a receipt to the Controller; the secretary had the bonds placed in his hands and was allowed to make sale of the same in small sums at his pleasure; large lots were sold by the resolution of the Board; the Secretary always reported the sale of bonds; when money was obtained for bonds

SUPPOSED THE SECRETARY DEPOSITED IT IN THE TREASURY;

supposed he had a book account of it but have no recollection of ever seeing one; we trusted the Secretary entirely; we had confidence in him; the large amounts placed by myself were reported, and we had reports from the Secretary frequently; we had a detailed statement made to Councils; it was the duty of proper party to take a receipt for the bonds from a majority of the Commission; we do not sign the bonds; we had accounts up to certain time; don't know how such large amounts came into his custody; talked frequently with the Secretary as to the amount sold and received; do not know of Mr. Ross depositing at any time or in any place but the city treasury. Did not require him to deposit any other place; did not know nor never had any intimation that he was acting in the interest of the Nation Trust Company, but once, when bonds to the amount of $100,000 were there; there were $50,000 in Ira B. McVay & Co.'s; they were sent to Townsend, Wheelen & Co., Philadelphia; they were changed by resolution of the Board after consultation; did not know that our Secretary was depositing money in the Nation Trust Company as early as May last; had no knowledge of it; first learned of the trouble about the bonds two weeks ago.

CROSS EXAMINATION.

On June 23d we called in the bonds; did not think there was any in the hands of the Trust Company; have not made any report this year; the ordinance requires us to make a report; the duties of the Secretary were so arduous that we dropped it; the last statement we had from Mr. Ross was August 1st; disremember whether he made it or whether he was asked to make it; Townsend, Wheelen & Co. reported the sale of the bonds as fast as they were sold; in June we had a statement in pencil of the amount sold; the bonds would be procured and we would receipt for them at the meeting next after they had been given; we met on Monday and Friday.

SIGNED FOR A LOT OF BONDS—$254,000.

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The next witness called was Mr. Hill Burgwin, who said that he never requested Mr. Ross to place bonds with the Nation Trust Company, and never knew of it until Monday of last week. Attended sixty meetings the first year, and was absent from the city from May 30 to August 1st; never saw a water bond signed; never signed a water bond, and never saw a check; began consultation with their lawyers. Communication was kept up between the two committees by means of the Attornies who flitted backward and forward for a considerable time, when Mr. Follansbee, of the Finance Committee offered a resolution

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are as follows:

WHEREAS, Councils, on the 24th of November, 1873, referred to this Committee an Investigation of the manner of Sale of Water Extension Loan Bonds, and the disposition made of the money received from the proceeds of sale of said bonds, and that the said Committee be directed to take such action as may be deemed necessary to protect the interests of the city; therefore, be it

Resolved, First. That the City Attorney be directed and empowered to forthwith proceed and prosecute any city officer, bank director, manager, or any other person who may have been *participeps criminis* in the illegal use of the city's moneys or Water Extension Loan Bonds, of such crime or crimes as they may have been guilty, or by investigation hereafter may appear to be guilty, whether of embezzlement, larceny by bailee, conspiracy or other crimes.

2. That Councils be requested to pass the following resolution:

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Mr. Negley vigorously supported his resolution. He contended that the money was all right but that the public demanded prosecution if all parties who assisted in placing the funds of the city in bank.

Mr. McCune offered as a substitute that the Committee proceed to interrogate the members of the Water Commission as to the plan of issuing bonds and the manner of conducting business, but did not say anything about prosecuting the guilty parties when discovered.

OPPOSED TO THE RESOLUTION.

Mr. Phillips said that he could never vote for the resolution in the shape it was offered. He knew all the members of the Water Commission to be honorable gentlemen, and he could not vote to brand them as thieves and robbers. Of their willingness to be interrogated under oath as to their knowledge of this transaction, he had no doubt. That they had committed errors, and that they had not been as watchful as they should have been, he acknowledged. They thought everything was right. Are we to brand them as thieves and plunderers of the city treasury because of these errors? The speaker didn't care for the clamor on the streets. Public policy should not induce him to do an act of injustice.

Mr. Negley said the people demanded that this affair should be sifted to the bottom. There was evidence enough upon which to base a charge. There was positive testimony that the Water Commission so far, but the course proposed in the resolution would develop all the facts. Turning to Colonel Phillips, he said: You know, and you know that I know, who bypothecated these water bonds. It is those parties we should reach. He didn't care who was involved, the guilty should be punished.

Mr. E. F. Jones was in favor of the plan proposed by Colonel Phillips, and Messrs. Littell, Fetterman and Aiken were in favor of Major Negley's resolution. In response to a question asked Mr. Negley as to

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At half past one o'clock the committee, without coming to a vote on Mr. Negley's resolution, adjourned to meet again at three o'clock.

Afternoon Session.

When the Committee assembled again after three o'clock the proposition of the Nation Trust Company was again taken up, and after some discussion a conclusion was finally arrived at. The Company proposes to lift the notes in Philadelphia and to give a first mortgage for the whole claim of the city—$509,000, the deposit claim to be submitted to three arbitrators. This was finally referred to the counsel on both sides, with instructions to submit a report on the same, on Monday morning at nine o'clock.

Pending this action Mr. Fetterman offered the following which was adopted.

Resolved, That the Solicitors of the city be invested with full power and authority to adopt such measures and institute such proceedings as they may deem proper for the recovery and secure to the United States.

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all of whom were present. On motion, Colonel Phillips, Major Negley and S. B. Fetterman were appointed a committee to conduct the examination. Alderman McMasters was sent for and administered the oath to all the commissioners, Messrs. Carroll, Bingwin, Laufman, Watson and Rolfe.

THE PRESIDENT'S EVIDENCE.

The first commissioner examined was Mr. D. W. C. Carroll, the President, who testified as follows: "Am President of the Water Commission. The Commission have blank bonds in book form in the office safe. These were ordered by the Commission, and are unsigned. As an instance of how we used them, I say John Smith wanted one for $1,000. The bond would be filled out and taken to the Mayor and City Controller, and when the money is received it is turned over to the City Treasurer and the bond is given to the purchaser. The Controller however, receives a receipt for the bond after it is executed and before it is returned to the secretary of the Commission for delivery to the buyer. The receipt must be signed by a majority of the Commission. The secretary reported the sale of bonds at the next meeting, but sometimes not until the second one. Mr. Ross had control of the bond book and the stubs showed what bonds were issued; the blank bonds were obtained from the Controller, and a majority of the Commission had to sign a receipt to the Controller; the secretary had the bonds placed in his hands and was allowed to make sale of the same in small sums at his pleasure; large lots were sold by the resolution of the Board; the Secretary always reported the sale of bonds; when money was obtained for bonds

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